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Acts of the Legislative  
Council of the Territory of  
Florida

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# ACTS

OF THE

GOVERNOR AND LEGISLATIVE COUNCIL

OF THE

## Territory of Florida:

*Passed at the Thirteenth Session.*

BEGUN AND HELD AT THE CITY OF TALLAHASSEE, ON MONDAY  
JAN. 5TH, AND ENDED SATURDAY FEB. 14TH, 1835.

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PUBLISHED BY AUTHORITY.

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TALLAHASSEE:

WILLIAM WILSON; Printer.

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# TITLES TO THE ACTS. 1835.

CHAP. 821. (No. i.)	An Act to incorporate the East Florida Rail Road Company.
" 825. " ii.	An Act to incorporate the Pensacola and Perdido Rail Road and Canal Company.
" 826. " iii.	An Act to incorporate the Southern Life Insurance and Trust Company.
" 827. " iv.	An Act to incorporate the Union Rail Road Company, in the Territory of Florida.
" 828. " v.	An Act to revive An Act, to incorporate the St. Andrew's and Chipola Canal Company.
" 829. " vi.	An Act to incorporate a company to be called the Lake Winico and St. Joseph's Canal Company.
" 830. " vii.	An Act to incorporate the Escambia Manufacturing Company.
" 831. " viii.	An Act to amend An Act, entitled An Act, to incorporate the Subscribers to the Union Bank of Florida.
" 832. " ix.	An Act to amend An Act, entitled An Act, to incorporate the Florida Peninsula and Jacksonville Rail Road Company, Approved February 15th, 1831.
" 833. " x.	An Act to amend an Act to incorporate the town of Jacksonville.
" 834. " xi.	An Act to incorporate the Pond Creek and Black-water River Canal Company.
" 835. " xii.	An Act to amend the several Acts incorporating the Town of Apalachicola.
" 836. " xiii.	An Act to incorporate the Bank of Jacksonville.
" 837. " xiv.	An Act to revive and amend an Act, entitled an Act to incorporate a company, entitled the Wascissa and Aucilla Navigation Company.
" 838. " xv.	An Act to incorporate the Methodist Episcopal Church in St. Augustine.
" 839. " xvi.	An Act to incorporate the St. Augustine Wharf Company.
" 840. " xvii.	An Act to repeal an Act, entitled an Act, to incorporate the City of Key West.
" 841. " xviii.	An Act to confer additional powers on the Corporation of the City of St. Augustine.
" 842. " xix.	An Act to revive and amend an Act, entitled "an Act to incorporate the Town of Monticello, in Jefferson County."
" 843. " xx.	An Act to increase the Capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes.
" 844. " xxi.	An Act in addition to the Acts providing for the Compilation of the Laws of this Territory.
" 845. " xxii.	An Act to change the time of holding the Election for members of the Legislative Council.
" 846. " xxiii.	An Act to fix permanently the Seat of Government of the Territory of Florida.
" 847. " xxiv.	An Act to alter the place of Sale under Executions, issuing out of the Superior Courts, in certain cases.
" 848. " xxv.	An Act requiring County Judges, in all cases, to forward copies of Orders for Elections to the Governor.
" 849. " xxvi.	An Act to make sureties equally liable in certain cases.
" 850. " xxvii.	An Act to amend the several Acts now in force

- 850. " xxviii. An Act, to amend an Act, entitled an Act to provide for the collection of Rents, passed 20th Nov. 1828.
- 851. " xxix. An Act to repeal a certain Act, and part of an Act therein named.
- 852. " xxx. An Act limiting the time of appointment of Auctioneers, and for other purposes.
- 853. " xxxi. An Act to prohibit the circulation of Notes of foreign Banks of a less denomination than five dollars.
- 854. " xxxii. An Act in addition to the several Act regulating the mode of proceeding on Attachments.
- 855. " xxxiii. An Act to revive an Act to provide for the collection of Judgments against free Negroes, and other persons therein named.
- 856. " xxxiv. An Act in relation to Fugitives from Justice.
- 857. " xxxv. An Act to prevent trespasses and depredations on lands within the jurisdiction of the Territory of Florida.
- 858. " xxxvi. An Act entitled an act, to amend an act entitled an act to establish a Tariff of Fees.
- 859. " xxxvii. An Act concerning the limitation of Actions.
- 860. " xxxviii. An Act to prevent any person in this Territory from carrying arms secretly.
- 861. " xxxix. An Act to enable married women to convey their real estate of inheritance.
- 862. " xl. An Act providing for removal of Justices of the Peace in certain cases, and for other purposes.
- 863. " xli. An Act to provide for the compensation of the Members and Officers of the Council, and for other purposes.
- 864. " xlii. An Act for the relief of Grantees and Claimants of land in certain cases.
- 865. " xliii. An Act to provide for the establishment and organization of the Spring Grove Guards.
- 866. " xliv. An Act entitled an act to prescribe the mode of erecting mill-dams near the town of Quincy, in Gadsden county.
- 867. " xlv. An Act to amend an act entitled an act to regulate the pilotage of the port of St. Mark's.
- 868. " xlvi. An Act to alter the time of holding the county courts in Franklin county.
- 869. " xlvii. An Act to change the northern boundary line of Alachua county.
- 870. " xlviii. An Act to authorise the Alabama, Florida, and Georgia Rail Road Company to continue their Road from the line between the State of Alabama and Territory of Florida, to the waters of Pensacola Bay.
- 871. " xlix. An Act to repeal an act to provide for the appointment of Pilots, and regulating the rate of Pilotage at Key West, and for other purposes.
- 872. " l. An Act to make permanent the county Site of Madison county, and for other purposes.
- 873. " li. An Act to alter the time and manner of holding the county courts of Monroe county, and for other purposes.
- 874. " lii. An Act to establish the county Site of Mosquito county.
- 875. " liii. An Act to authorise Margaret L. Anderson to sell certain Real Estate.
- 876. " liv. An Act for the relief of Edwin R. Alberti and Henry Sadler.
- 877. " lv. An Act to change the name of Elizabeth Underwood to that of Elizabeth Murhee.



" 878	"	LVI.	An Act to authorise Mary J. Fontaine to sell and convey certain real estate therein described.
" 879	"	LVII.	An Act for the relief of the inhabitants of Amelia Island.
" 880	"	LVIII.	An Act for the relief of Joseph F. Washob.
" 881	"	LIX.	An Act for the relief of the heirs of Mary T. Blocker.
" 882	"	LX.	An Act for the relief of Elijah Andrews.
" 883	"	LXI.	An Act to authorise Mary Johnson and John A. Cuthbert to dispose of certain real estate.
" 884	"	LXII.	An Act to enable the Guardian of the infant children and heirs of John Andreo, dec'd. to convey certain real estate therein mentioned.
" 885	"	LXIII.	An Act for the relief of Elias B. Gould.
" 886	"	LXIV.	An Act to legitimate and change the name of William W. Hicks to that of William W. Brown.
" 887	"	LXV.	An Act for the relief of John C. Cleland.
" 888	"	LXVI.	An Act for the relief of Hillory E. Simmons and others.
" 889	"	LXVII.	An Act to change the name of Mary P. Harker, of St. John's county.
" 890	"	LXVIII.	An Act for the relief of Edward Chandler.
" 891	"	LXIX.	An Act to authorise James Stuart to build a bridge across the Ocklocknee river.
" 892	"	LXX.	A Bill to authorise Abraham Millsted to establish a Ferry across the Escambia river.
" 893	"	LXXI.	A Bill to authorise Samuel C. Keyser to establish a ferry across Escambia river at, or near its junction with the Escambia Bay.
" 894	"	LXXII.	An Act to establish a Ferry across the Chipola river near Marianna.
" 895	"	LXXIII.	An Act to authorise Charles Hall to establish a ferry across the River Perdido.
" 896	"	LXXIV.	An Act to establish a ferry across the St. John's River.
" 897	"	LXXV.	An Act to authorise John Wamble to establish a ferry across the Ocfila river.
" 898	"	LXXVI.	An Act to authorise Abraham Smith to establish a ferry across Bell's river and St. Mary's River.
" 899	"	LXXVII.	An Act to establish a ferry across the Suwannee River.
" 900	"	LXXVIII.	An Act to establish a ferry on Julington Creek, on St. John's river.
" 901	"	LXXIX.	An Act to divorce John Gamble and Sarah Gamble.
" 902	"	LXXX.	An Act to divorce Martha Redman from her husband Elisha Redman.
" 903	"	LXXXI.	An Act to divorce Lydia H. Starr and Robt. Starr.
" 904	"	LXXXII.	An Act to divorce Hester Burke and Thos. Burke.
" 905	"	LXXXIII.	An Act to divorce James Johnson and Dorothea Johnson.
" 906	"	LXXXIV.	An Act to divorce Alexander Patterson and Eliza Patterson.
" 907	"	LXXXV.	An Act for the relief of John Roberts.
" 908	"	LXXXVI.	An Act to divorce Elizabeth Uptegrove and Green Uptegrove.
" 909	"	LXXXVII.	An Act to divorce Maryann Child and Hale Child.
" 910	"	LXXXVIII.	An Act to divorce Indiana Cordelia T. Richards and Wolcott Richards.
" 911	"	LXXXIX.	An Act to divorce Josephine Ganperla Gagne' from her husband Lewis Gagnet.



A C T S  
OF THE  
GOVERNOR AND LEGISLATIVE COUNCIL,  
OF THE  
**Territory of Florida:**

PASSED AT THE THIRTEENTH SESSION, BEGUN AND HELD AT THE  
CITY OF TALLAHASSEE, ON MONDAY JANUARY 5TH, AND ENDED  
SATURDAY FEBRUARY 14TH, 1835.

JOHN H. EATON, Governor. George K. Walker, Secretary of the Terr.  
John Warren, President of the Council.



An Act to incorporate the East Florida Rail Road Company.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Thos. Penney, John Binney, Samuel S. Lewis, Daniel D. Broadhead, Amos Binney, J. B. Danforth, J. Kettelle, John Henshaw, George Hallet, John Brown, Francis J. Oliver, Stephen White, C. W. Cartwright, James C. Dunn, Jonas L. Sibley, Mark Healey, Edmund Munroe, L. M. Parker, Joseph L. Smith and A. M. Frink and their associates be, and they are hereby incorporated by the name and style of the East Florida Rail Road Company, and by that name, all who shall become subscribers for stock, and members of said company, their heirs, successors or assigns shall be capable in law, to purchase, receive, retain and enjoy, to them and their heirs, successors, or assigns, any lands, tenements, goods, chattels and effects, of what kind soever necessary to carry on the concerns of the company, and making and maintaining said road; and the same to grant, sell, mortgage and dispose of; to sue and be sued, plead and be impleaded, to make a common seal, and at pleasure, to break or alter the same; to ordain, establish, and put in execution, such by-laws and regulations as may be deemed necessary and expedient for the government of said corporation, not being contrary to the constitution or laws of the United States, or laws of this Territory.

Names of commissioners.

Name & style.

Sec. 2. Be it further enacted, That the capital stock of this company shall not amount to more than five hundred thousand dollars, to be divided into shares of one hundred dollars each; books of subscription for which, shall be opened on the first day of May next, at Boston, Mass. under the superintendence of Samuel S. Lewis, John Henshaw, David Henshaw, J. B. Danforth and Stephen White—at St. Augustine, under the su-

Capital stock.

Books to be opened at Boston, &c.

1835.

perintendence of Benjamin A. Putnam, Charles Downing, Peter B. Dumas, Joseph S. Sanchez and John M. Hanson,—at Tallahassee, under the superintendence of James Gadsden, Ben. Chaires, John G. Gamble, Wm. B. Nutt and Abram Bellamy—at Apalachicola, under the superintendence of E. J. Wood, Thomas Penney, E. J. Hardin, G. J. Floyd and Wm. G. Porter—at Jacksonville, under the superintendence of James Dell, Joseph B. Lancaster, J. D. Hart, Stephen Eddy, E. Williams, M. K. Pinckston and John W. Richard—at Marianna, under the superintendence of Peter W. Gautier, jr. Duke W. Horn, Jacob Robinson, Thomas Orman and Richard L. Watson, and at Pensacola, under the superintendence of Joseph Lincarr, Edward L. Drake, John Campbell, Charles C. Keyser and G. W. Barkley, commissioners under this Act, any three of whom, at the places designated, shall be competent to receive subscriptions for stock: Provided, that the persons named in Sec. 1 of this Act, and their associates, shall have the right and privilege to subscribe for, and own, by precedence, two thirds of the capital stock as aforesaid, at their discretion. And the books shall be kept open for thirty days, at the expiration of which time, they shall be closed, and if, after the above subscription of two thirds, it shall appear that the remaining subscriptions taken up have caused the whole subscription to exceed five hundred thousand dollars, the excess shall be deducted from such remaining subscriptions, pro rata. If on the contrary, it shall appear that a less amount than five hundred thousand dollars has been subscribed, it shall be competent for such commissioners as are hereinafter constituted a provisional directory, or the President and Directors of said company, to cause books to be opened from time to time, at any places they may appoint, and under the superintendence of such agency as they may choose, until the subscription be filled, or until so much be subscribed as they shall deem necessary for the prosecution of the work. Provided, however, that the capital stock may be increased to one million and a half of dollars, if the company shall hereafter deem it necessary,

**Instalments**  
**When to be pd.** Sec. 3. Be it further enacted, That there shall be paid upon each share of the stock, five dollars at the time of subscribing, and five dollars within, at least, six months after the first closing of the books, and the residue, at any time, at the discretion of the President and Directors by giving sixty days' notice, previous to a call for any instalment, by advertisement in three or more newspapers published in this Territory, and one or more at Boston, Massachusetts, or at such other place or places as books may have been opened; and if any stockholder shall fail to pay within ten days, after the time designated, the amount of such instalment, the stock upon which the delinquency occurs shall be forfeited to the President and Directors, to be disposed of, at their discretion, for the use and benefit of the company—the purchaser of such stock becoming subject to the same con-

1835.

ditions and regulations as the original holder; or the President and Directors may sue for and recover the amount in arrears, with damages.

Ser. 4. Be it further enacted, That each share purchased and held in the stock of the company shall be entitled to one vote upon all questions submitted at any legally convened meeting of the company, which vote may be exercised either personally or by proxy; and every stockholder, not in arrears, shall be eligible to be chosen a Director; but no stockholder who shall be in arrears, shall vote, or be eligible to office, or receive any dividend while he shall so continue—A majority of votes shall determine all questions and elections.

Each share entitled to one vote.

Ser. 5. Be it further enacted, That this corporation shall be governed by twenty Directors who shall be elected by the stockholders at the first organization of the company—they choosing a President from their own body at their first meeting; and the directory, so elected, shall meet and be qualified for office by taking and subscribing each an oath or affirmation in writing, administered by some competent authority, to discharge faithfully the duties of his office; and the same shall be filed by the Secretary; and the directory, so formed, shall continue in office until the first Monday in February ensuing, and on that day and annually thereafter, sixty days' previous notice being given by the President or his order, by public advertisement, in manner as described in section 3, there shall be elected twenty Directors, who shall enter upon office under the same provisions as at the first election, and in like manner elect their President; and the President and Directors for the time being shall be competent to make, alter and amend all by laws, rules and regulations for the government of this corporation, subject to revision by the stockholders in general meeting, and to create and fill all necessary offices, make all appointments and removals, and manage the entire affairs of this company—minutes of their proceedings being regularly recorded, and held subject to the examination of the stockholders during office hours. Not less than nine members of any directory, at its first meeting, subsequent to their election, shall be competent to choose a President; but at all other meetings five members shall constitute a quorum, and the first meeting of any new directory, including the first, shall always be held within five days after their election. It is provided however, that if from any cause whatever, there should, at any time, be no election of Directors, the corporation shall not, for that cause, be dissolved; but the directors then in office shall continue in office, and have power over all concerns of the company, until a new directory shall be qualified for office; and in any case where delay may arise in the formation of a new board, after any election, the old directory shall continue to act until they are legally and officially superseded, and if any vacancy shall occur by resignation, removal or death, it shall be competent for the President and Directors in

How governed

Directors how chosen.

A quorum how constituted.



1835.

office, or a quorum of the same, to fill any such vacancy from the body of the stockholders.

Commission-  
ers' duties when  
to cease.

Sec. 6. Be it further enacted, That when the directory, first chosen, under the provisions of the proceeding section, shall have entered upon office, the commissioners appointed as hereafter, a provisional directory, shall forthwith deliver to the said directory, or their secretary, all books and papers in their custody, and shall render and settle their accounts of expenditure, and thereupon their functions shall cease, and shall devolve upon and be exercised by the board of directors, who shall have authority to keep open the books of subscription for stock, as elsewhere provided: and it shall be incumbent on the commissioners, in this Territory, to cause the amounts received by them for subscriptions of stock, to be deposited in the nearest solvent and creditable bank, immediately after the closing of the books; and to obtain a certificate from the cashier of said bank, (which may be duplicate,) that the amount is held at the credit of the "East Florida Rail Road Company," which certificate shall be transmitted to the directory or the provisional directory as the case may be, which provisional directory shall themselves be subject to this rule and shall file or hand over, as the case may be, such certificate.

Copy of sub-  
script'n books  
to be sent to  
Boston

Sec. 7. Be it further enacted, That when the books of subscriptions are first closed, the commissioners appointed at each place in this Territory, or any of them, shall immediately thereafter, transmit by mail, and duplicates by succeeding mail, to the commissioners in Boston, Massachusetts, authenticated copies of the subscriptions made at their respective places, and if it shall appear that an amount equal to one third part of the capital stock, has been subscribed at all the places where books were opened, then the commissioners last named, shall within ten days thereafter call a meeting of the stockholders to choose a directory by giving thirty days' notice, by public advertisement in three or more newspapers published in this Territory and one or more at Boston, Massachusetts; but until an amount equal to one third part of the capital stock be subscribed, the commissioners, at Boston as aforesaid, shall act as a directory for the management of the concerns of this corporation, any three of whom may form a board, choosing their own chairman and appointing or removing their agents, and making such regulations as they shall deem expedient, and supplying vacancies in their own body, by death, absence or refusal to act; and they are hereby enjoined and required to supply all such vacancies, without delay, that the business of this company be not hindered or impeded; and they shall so continue to act, as a provisional directory, until the said amount of one third part of the capital stock be subscribed, when they shall proceed to call a meeting of stockholders, in manner, and for the purposes, as before directed in this section.

Sec. 8. Be it further enacted, That the stock of said corporation shall be transferable and assignable under such rules and regulations, and subject to such restrictions and conditions as the board of directors may from time to time establish, and that the same shall be deemed personal property.

1835.

Stock transferable.

Sec. 9. Be it further enacted, That the said company have the right and privilege to construct a rail road, of one or more tracks through the Territory of Florida, from any point on the St. John's river or its tributaries, or south and east of said river, to the Gulf of Mexico, or waters emptying therein; to connect, by this means the waters of the Atlantic Ocean with those of the Gulf of Mexico, together with the right and privilege to own steam boats and vessels, and piers, wharves and docks, and no charter shall be granted by the Legislature of Florida conflicting with the rights and privileges hereby granted: Provided that nothing herein contained shall be constructed so as to warrant this company to interfere with the route of the "Florida Peninsula and Jacksonville Rail Road;" but the company may, with the consent of the "Florida Peninsula and Jacksonville Rail Road Company" connect their road with Jacksonville, in this Territory, or adopt the route secured to that company by their charter, or make any other compact or arrangement with that company which may be mutually agreed upon.

Right to construct road.

Sec. 10. Be it further enacted, That the said company are empowered to make lateral or branch roads from the main one, to any point or points in the Territory of Florida, where it may be deemed important to extend such facilities: Provided that the same shall not interfere with any routes for which charters have been already granted; but in such event the parties may compromise and agree upon any mutual grounds of accommodation.

May make lateral branches.

Sec. 11. Be it further enacted, That the said company by its President and Directors shall have power to purchase with the funds of the company and to place on said rail road, all machines, wagons, vehicles, cars, carriages and teams of any description whatsoever which they may deem proper and necessary for the purposes of transportation—All such machines, wagons, vehicles, cars, carriages and teams, and all the works constructed under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective shareholders of the company forever, in proportion to their shares, and the same shall be exempt from any public charge or tax whatever; and they are hereby authorized, at those points in the line of their rail road, where it may appear to them important for the accommodation and business of the road, to establish depots and ware-houses, or any other necessary and convenient houses and buildings to be used by them for all purposes of the said road, or to be disposed of by them, when it may be necessary; and to charge and receive for the storage of produce, merchandise and other articles, at such ware-houses or other buildings.

Powers of corporation.

1835.

as they may find it necessary to construct, rates not exceed the ordinary ware-house duties.

May take possession of land &c.

Sec. 12. Be it further enacted, That in constructing the said rail road, it shall be lawful for the said company, by its President and Directors, or by its proper agents or servants, to enter upon and take possession of any land whatsoever which may be necessary for the completion of the work contemplated by this act: Provided, that no land shall be taken from private individuals or corporations and appropriated to the purposes aforesaid, without compensation to those owning the same, and it shall and may be lawful for said company, in like manner, to take from any land convenient to said rail road, at all times, such timber, stone or other materials as may be necessary for the construction of, and keeping in repair said rail road: Provided, that nothing belonging to individuals shall be taken without adequate compensation, to be determined in the manner hereinafter provided.

Proviso.

Sec. 13. Be it further enacted, That whenever it shall become necessary for the said company to take possession of and appropriate or use any land, timber, stone, or other materials, owned by private individuals or corporations, for the route or site of said rail road or works, or for constructing or keeping in repair, the same, or any part thereof, and the parties do not agree on the value of said land, stone, or materials as may be so taken and appropriated, it shall and may be lawful for the President and Directors of said company or their proper agents, on giving ten days' notice, at least, in writing to the party owning the same, or to his, her or their agent, that application will be made to the judge of the superior or county court, for a writ of ad quod damnum, which shall be granted, and directed to the Sheriff, to summon five disinterested persons, householders, of lawful age to meet and value said property on oath administered by any justice of the peace, whose duty it shall be to attend in person said inquest, and receive their report; the amount thus fixed upon by said valuation, the said officer shall receive from the said President and Directors or their proper agent, and pay the same over to the person or persons entitled to receive it, and to take an acquittal or refusal of the same.—

Appraisers how appointed, their duties, &c,

Comp'nsation

On this tender of the sum awarded to the party entitled to receive it, or to his, or her, or their, agent or attorney, it shall be lawful for said company, or their President and Directors or their agent, to enter upon and take possession of, and use, any such land, timber, stone and other materials; but all the expenses and costs incurred by the writ of ad quod damnum shall be paid by the President and Directors of said company: Provided the appraisers shall not be allowed more than three dollars each per day while engaged in such duties: Provided, that if any person or persons shall purchase or appropriate any of the public lands over which the rail road shall pass, after the same shall have been surveyed or located, then and in that case the said company shall not be required to make compensation for any of the

Proviso.



said lands, timber, stone, or other materials, which it might be necessary to take from the same for the use of said road.

1835.

Sec. 14. Be it further enacted, That all property so assessed and paid for by the President and Directors of said company, or their agents, agreeably to the provisions of this act, and all donations made to and for the same, shall forever afterwards belong to, and become the property of said company their heirs, successors, or assigns, in fee simple, in proportion to the shares owned respectively.

Property to be held in proportion to shares.

Sec. 15. Be it further enacted, That any stockholders of said company may and shall have a right to dispose of and transfer his, her, or their interest in the same, or any part thereof, to any other person or persons, or any corporation, which said transfer shall not be binding, unless entered on the books of the company. Provided, That nothing in this act shall be so construed as to prevent the members of said company from using the property and dividends that may be declared upon said stock to his, her, or their individual purposes.

Transfers to be entered on books of company.

Sec. 16. Be it further enacted, That the President and Directors of said company shall have a right to demand and receive such prices and sums for transporting by their own means and carriages on said rail road, passengers, produce, goods and all other articles whatsoever, as may be from time to time authorised by the by-laws of said President and Directors for said company: Provided, That such prices and sums shall not, at any time be increased without, at least, thirty days' notice in a public print or prints in the Territory; and the said company shall continue to receive such prices and sums for the transportation of passengers, produce, goods, and all other articles whatsoever, as may be prescribed by the by-laws of said company so long as the said rail road is kept in operation. Provided the said company become responsible for any damages which said passengers, produce, goods and articles of whatsoever kind may receive in transporting the same on said rail road, saving and excepting such damage or hurt as is caused by unavoidable accident, or which shall be a proper risk of insurance; and all produce, goods and articles, of whatsoever kind, transported or conveyed on said rail road, shall be liable for said transportation, and may be detained until the same be paid and discharged; and if the same be not paid, and if such goods, produce and articles remain in possession of the company for the space of twenty days, they shall be sold at public auction, and after the expenses of transportation, storage and auction charges shall be paid, the remainder shall be handed to such person, persons, or corporation, or their agents, who shall be entitled to receive the same: Provided, that when the tolls upon said road shall have paid the stockholders the full amount of its cost, together with all expenses, the company shall then pay two per centum on all profits over ten per centum into the Treasury of this Territory.

Freight for transportation

Company responsible for damages.

1835.

Exclusive right  
to transport  
goods, &c.

Sec. 17. Be it further enacted, That the said rail road company shall, at all times, have the exclusive right of transporting or conveying persons, goods, produce or articles of any description on said rail road to be by them constructed, while they may see fit to exercise such exclusive right: Provided, that if the said company shall think proper, they may rent or farm out all such exclusive privilege to any person, or persons, or corporation, for such term as may be agreed on, subject to the same responsibilities, for which the company herein before-mentioned shall still be held bound for damages to individuals or corporations which may accrue, by reason of any of the provisions of this act.

Penalty for  
intrusion.

Sec. 18. Be it further enacted, That if any person shall intrude upon said rail road, or any part thereof, or upon the rights or privileges connected therewith, without the permission, or contrary to the will of said company, all the vehicles, animals, or locomotive power, or other articles, which may be so intrusively introduced, may be seized by the company, or its agents, or recovered by suit at law; and moreover the person or persons so offending, shall be liable to be indicted for a misdemeanor, and upon conviction, fined and imprisoned by sentence of the Superior court of the district in which the offence may be committed; and if any person shall artfully or maliciously destroy, or in any manner hurt, damage, or injure, or obstruct, or shall artfully or maliciously cause and assist, counsel and advise any other person or persons to destroy, or in any way to hurt, damage, injure, or obstruct said rail road, or any part thereof, or any edifice, vehicle, right or privilege granted by this act, and constructed for use under authority thereof, such person or persons, so offending, shall be liable to be indicted, and on conviction thereof, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty-five dollars, at the discretion of the court, before which such conviction shall be had, and shall be further liable to pay all expenses of repairing the same—The one-half of all the fines under this act shall be paid to the informer, and the other half to the use of the Territory.

Report to stock  
holders.

Sec. 19. Be it further enacted, That the President and Directors be required to make a full report to the stockholders of said company, at their yearly meeting for the election of directors, on the state of the corporation, and its concerns. The President and Directors shall have power also to call a general meeting of the stockholders whenever the affairs of the company, in their estimation, shall render it expedient or necessary. The directors shall have power to fill any vacancies in their body, which may occur, as before more particularly provided, and it shall be their duty to fill such vacancies whenever they do occur.

Limitation of  
act.

Sec. 20. Be it further enacted, That the surveys to determine the route of said road shall be commenced within twelve months after the passage of this act, and the work itself within eighteen

months. There shall be made, one third part of the road, in three years, or work equivalent; two-thirds in four years, or work equivalent, and the whole work shall be completed in five years, or this charter shall be forfeited.

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Sec. 21. Be it further enacted, That the said company shall report annually to the Governor and Council after the said road goes into operation, and the books shall be subject to annual inspection by a committee of the Council, if it shall be so required.

Company to report to Gov. and Council.

Passed Feb. 7th, 1835.

Approved Feb. 14th, 1835.

CHAP. 825. [No. 11.] An Act to incorporate the Pensacola and Perdido Rail Road and Canal Company.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That William H. Chace, Walter Gregory, John A. Cameron, Robert Mitchell, Jasper Strong and Hanson Kelly, and such other persons as may be hereafter associated with them, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Pensacola and Perdido Rail Road and Canal Company," and by that name they and their successors, and assigns shall, and may have continued succession, and shall be persons in law, capable of suing and being sued; pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, slaves, goods and chattels, whatsoever necessary or expedient to the objects of this incorporation.

Name & style.

Powers.

Sec. 2. Be it further enacted, That the capital stock of said company shall be two hundred and fifty thousand dollars, with the privilege of increasing it to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferrable in such manner as the said corporation shall by their by-laws direct.

Capital stock.

Deemed personal property

Sec. 3. Be it further enacted, That the above-named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they, or a majority of them may think proper; and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose three Directors; and such election

Books to be opened.

Meeting of the stockholders.



1835. shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling the holder thereof to one vote; and the said above-named persons, or a majority of them shall be inspectors of the first election of Directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said Directors; and the time and place of holding the first meeting of Directors, shall be fixed by the said persons, named in the first section of this act, or a majority of them; and the Directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be, after every election, choose out of their own number a President; and in case of the death, resignation or removal of the President, or any Director, such vacancy or vacancies may be filled, for the remainder of the year, wherein they may happen, by the said board of Directors, or a majority of them; and in case of the absence of the President, the said board of Directors, or a majority of them, may appoint a President, *pro tempore*, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

When held.

Vacancies how filled.

President pro tempore.

Sec. 4. Be it further enacted, That in case it should happen that an election of Directors should not be made, during the day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the Directors, for the time being, shall continue to hold their office, until new ones shall have been chosen in their places.

Directors hold office till successors are appointed.

Sec. 5. Be it further enacted, That two Directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company, by such instalments, and at such times as they may direct, and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint a secretary, and so many clerks, and servants, as to them shall seem meet; and to establish and fix such salaries to them, and also to the President, as to the said board shall appear proper.

May require instalments.

Make by-laws.

Sec. 6. Be it further enacted, That the said company shall have the exclusive right and privilege to construct a rail, McAdamised, or other artificial road, from the waters of the Pensacola Bay to the Perdido Bay or river, or the thirty-first degree of north latitude, being the boundary line between the State of Alabama and the Territory of Florida; or a canal to connect the waters of Pensacola Bay with the Perdido river, at such points as the said company may think proper, and also the exclusive

Exclusive right of way.

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right and privilege to construct a rail, McAdamsed, or other artificial road, between the grand lagoon entering into the Bay of Pensacola and the Perdido river, or a canal.—The said roads or canals commencing and ending at such points as the said company may think proper, together with the right and privilege to own steam boats, and vessels, and piers, and wharves, and docks, and no charter shall be granted by the Legislature of Florida, conflicting with the rights and privileges hereby granted.

Sec. 7. Be it further enacted, That the said company are empowered to make lateral or branch roads, from the main one to any point, or points, in the Territory of Florida, where it may be deemed important to extend such facilities: Provided, that the same shall not interfere with any routes for which charters have been already granted; but in such event the parties may compromise and agree upon any mutual grounds of accommodation. May make lateral branches.

Sec. 8. Be it further enacted, That the said company, by its President and Directors, shall have power to purchase with the funds of the company, and to place on said rail roads, or canals, all machines, wagons, vehicles, vessels, steam-boats, cars, carriages and teams of any description whatsoever, which they may deem proper and necessary for the purposes of transportation—All such machines, wagons, vehicles, vessels, steam-boats, cars, carriages and teams; and all the works constructed under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective shareholders of the company forever, in proportion to their shares, and the same shall be exempt from any public charge or tax whatever; and they are hereby authorized, at those points in the line of their rail roads, or canals, where it may appear to them important for the accommodation and business of the roads, or canals, to establish depots and ware-houses, or any other necessary and convenient houses and buildings, to be used by them for all purposes of the said roads, or canals, or to be disposed of by them when it may be necessary; and to charge and to receive for the storage of produce, merchandize and other articles, at such ware-houses or other buildings, as they may find it necessary to construct, rates not exceeding the ordinary ware-house duties. Purchase necessary carriages, &c.  
May build ware houses.

Sec. 9. Be it further enacted, That in constructing the said rail roads, or canals, it shall be lawful for the said company, by its President and Directors, or by its proper agents or servants, to enter upon and take possession of any land whatsoever which may be necessary for the completion of the work contemplated by this act: Provided, that no land shall be taken from private individuals or corporations and appropriated to the purposes aforesaid, without compensation to those owning the same; and it shall and may be lawful for said company, in like manner, to take from any lands convenient to said rail roads, or canals, at all times, such timber, stone or other materials as may be necessary for the construction of, and keeping in repair said rail May enter on lands of individuals.

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Proviso.

roads or canals: Provided, that nothing belonging to individuals shall be taken without adequate compensation, to be determined in the manner hereinafter provided.

Writ of *ad quod damnum* how issued.

Appraisers—their duties.

Award to be tendered.

Compensation when not allowed.

Property paid for to be vested in corporation.

Stock transferable.

Sec. 10. Be it further enacted, That whenever it shall become necessary for the said company to take possession of, and appropriate or use any land, timber, stone or other materials, owned by private individuals, or corporations, for the route, or site of said rail roads, or works, or for constructing and keeping in repair the same, or any part thereof, and the parties do not agree on the value of such land, stone, or materials as may be so taken and appropriated, it shall and may be lawful for the President and Directors of said company, or their proper agents, on giving ten days' notice, at least, in writing to the party owning the same, or to his, her, or their agent, that application will be made to the judge of the county court, for a writ of *ad quod damnum*, which shall be granted, and directed to the sheriff, to summon five disinterested persons, house-holders, of lawful age, to meet and value said property on oath, administered by any justice of the peace, whose duty it shall be to attend in person said inquest, and receive their report; the amount thus fixed upon by said valuation, the said officer shall receive from the said President and Directors, or their proper agent, and pay the same over to the person or persons entitled to receive it, and to take an acquit or refusal of the same. On this tender of the sum awarded to the party entitled to receive it, or to his, or her, or their agent, or attorney, it shall be lawful for said company, or their President and Directors, or their agent, to enter upon and take possession of, and use any such land, timber, stone, or other materials; but all the expenses and costs incurred by the writ of *ad quod damnum* shall be paid by the President and Directors of said company: Provided, the appraisers shall not be allowed more than three dollars each per day while engaged in such duty: Provided, that if any person or persons shall purchase or appropriate any of the public lands, over which the rail roads, or canals, shall pass, after the same shall have been surveyed or located, then, and in that case, the said company shall not be required to make compensation for any of the said lands, timber, stone, or other materials, which it might be necessary to take from the same for the use of said roads, or canals.

Sec. 11. Be it further enacted, That all property so assessed and paid for by the President and Directors of said company, or their agents, agreeably to the provisions of this act, and all donations made to, and for the same, shall forever afterwards belong to, and become the property of said company, their heirs, successors, or assigns, in fee simple, in proportion to the shares owned respectively.

Sec. 12. Be it further enacted, That any stockholders of said company may, and shall have a right to dispose of, and transfer his, her, or their interest in the same, or any part thereof, to



any other person or persons, or any corporation, which said transfer shall not be binding unless entered on the books of the company; but the stock of said company and all the property belonging thereto, or which may, from time to time be acquired by said company, shall be held jointly, and not separately: Provided, that nothing in this act shall be so construed as to prevent the members of said company from using the property and dividends that may be declared upon said stock, to his, her, or their individual purposes.

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Transfer how made.

Sec. 13. Be it further enacted, That the President and Directors of said company shall have a right to demand and receive such prices and sums for transporting by their own means and carriages, on said rail roads, or canals, passengers, produce, goods, and other articles whatsoever, as may be from time to time authorized by the by-laws of said President and Directors for said company: Provided, that such prices and sums shall not, at any time, be increased, without at least thirty days' notice in a public print or prints in this Territory; and the said company shall continue to receive such prices and sums for the transportation of passengers, produce, goods, and all other articles whatsoever, as may be prescribed by the by-laws of said company so long as the said rail roads, or canals are kept in operation: Provided, the said company become responsible for any damages which said passengers, produce, goods, and articles, of whatsoever kind, may receive in transporting the same on said rail roads, or canals, saving and excepting such damages or hurt as is caused by unavoidable accident, or which shall be a proper risk of insurance; and all produce, goods, and articles, of whatsoever kind, transported or conveyed on said rail roads, or canals, shall be liable for said transportation, and may be detained until the same be paid and discharged; and if the same be not paid, and such goods, produce, and articles remain in possession of the company for the space of twenty days, they shall be sold at public auction, and after the expenses of transportation, storage, and auction charges shall be paid, the remainder shall be handed to such person or persons, or corporation, or their agents who shall be entitled to receive the same: Provided, that when the tolls upon said roads, or canals shall have paid the stockholders the full amount of its cost, together with all expenses; the company shall then pay two per centum on all profits over ten per centum into the Treasury of this Territory.

Rates of transportation.

Notice of higher rates to be given.

Company responsible for damages.

Goods liable for transportation.

Sec. 14. Be it further enacted, That the said rail road and canal company shall, at all times, have the exclusive right of transporting or conveying persons, goods, produce, or articles of any description on said rail roads or canals, to be by them constructed, while they may see fit, to exercise such exclusive right: Provided, that if the said company shall think proper they may rent or farm out all such exclusive privilege to any person or persons, or corporation, for such term as may be agreed on, subject to the same responsibilities, for which, the company here-

Exclusive right of transportation.

Provido.

1835.

inbefore-mentioned shall still be held bound for damages to individuals or corporations which may accrue, by reason of any of the provisions of this act.

Intrusion on  
way.

Sec. 15. Be it further enacted, That if any person shall intrude upon said rail roads, or canals, or any parts thereof, or upon the rights or privileges connected therewith, without the permission, or contrary to the will of said company, all the vehicles, animals, or loco-motive power, or other articles, which may be so intrusively introduced, may be seized by the company, or its agents, or recovered by suit at law; and moreover the person, or persons, so offending, shall be liable to be indicted for a misdemeanor, and upon conviction, fined and imprisoned by sentence of the Superior court of the district in which the offence may have been committed; and if any person shall artfully or maliciously destroy, or in any manner hurt, damage, injure or obstruct, or shall artfully or maliciously cause and assist, counsel and advise any other person or persons to destroy or in any way to hurt, damage, injure, or obstruct said roads or canals, or any parts thereof, or any edifice, vehicle, right, or privileges, granted by this act, and constructed for use, under authority thereof, such person or persons, so offending, shall be liable to be indicted, and on conviction thereof, shall be imprisoned not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty-five dollars, at the discretion of the court, before which such conviction shall be had, and shall be further liable to pay all expenses of repairing the same—the one half of all the fines under this act shall be paid to the informer and the other half to the use of the Territory.

Each share en-  
titled to one  
vote.

Sec. 16. Be it further enacted, That each share purchased and held in the stock of this company shall be entitled to one vote upon all questions submitted at any legally convened meeting of the company, which vote may be exercised either personally or by proxy; and every stockholder, not in arrears, shall be eligible to be chosen a Director; but no stockholder who shall be in arrears, shall vote, or be eligible to office, or receive any dividend while he shall so continue—A majority of votes shall determine all questions and elections.

Majority to  
govern.

Right of Flori-  
da to purchase  
entire stock.

Sec. 17. Be it further enacted, That at the expiration of fifty years from the passage of this act, and every ten years thereafter, the Territory or State of Florida shall have the right of taking the whole of the stock of the said company as the property of the said Territory or State, upon, paying in cash the par value of the stock of said company.

Passed February 10th, 1835.

Approved Feb. 14th, 1835.

CHAP. 826. [No. m.] An Act to Incorporate the Southern Life Insurance and Trust Company.

1835.

Sec. 1. Be it enacted by the Governor and the Legislative Council of the Territory of Florida, That from the time this Act shall take effect, Andrew Anderson, Daniel S. Griswold, John B. LaForge, John M. Hanson, Joseph M. Hernandez, John Drysdale, Wm. H. Simmons, Edwin T. Jencks, J. D. Hart, James Dell, Joseph B. Lancaster, John W. Richard, D. L. Clinch, John H. McIntosh, Joseph M. White, Richard K. Call, Ben Chaires, Abraham Bellamy, W. G. Porter, E. J. Harden, J. C. McClay, Wm. H. Chace, Walter Gregory, H. Hyer, P. C. Green, F. A. Brown, O. O'Harra, and R. Fitzpatrick, their associates and successors be, and they are hereby constituted and made a body politic and corporate under the name of the "Southern Life Insurance and Trust Company," to be located at the City of St. Augustine; and by that name may sue, and be sued, plead, and be impleaded, answer, and be answered unto, in all courts having competent jurisdiction; and may have and use a common seal, and the same, break, alter, and renew at pleasure; and are vested with all the powers and privileges necessary to the objects of their incorporation as hereinafter defined.

Corporation

Name & Style

Sect. 2. The said company shall have power, 1st, to make insurance on lives, 2d, to grant and purchase annuities, 3d, to make any other contingent contracts, involving the interest of money and the duration of life, 4th, to receive monies in trust and to accumulate the same at such rates of interest as may be obtained, or agreed on, not exceeding at the rate of eight per cent. per annum, or to allow such interest thereon as may be agreed on, 5th, to accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, or may be transferred to them by order of any of the courts of this Territory, or by any court as a court of chancery, 6th, to receive and hold lands under grants, with such general or special trusts, or covenants, so far as the same may be taken in payment of their debts or in security of their capital or loans, or debts due them, or purchased upon sales under any law of this Territory as may be necessary to protect the rights of the said company, and the same again to sell, convey, and dispose of, 7th, to buy, discount, and sell drafts, promissory notes, and bills of exchange, 8th, to establish and locate branches for carrying on their business.

Powers

Sect. 3. In all cases where any court has jurisdiction for the appointment of a guardian of any infant, the annual income of whose estate shall exceed the sum of one hundred dollars, such court shall have power to appoint the said company as guardian of the estate of such infants.

May act as guardian for infants.

Sect. 4. On any sum, not less than one hundred dollars, which shall be collected or received by the said company in its capa-



1835

As such must  
pay interest.

Property in  
trust for in-  
fants at the  
risk of Com.

Capital Stock  
2,000,000.

May be in-  
creased.

To be invest-  
ed in Lands or  
Notes.

Which may be  
sold for debt.

Commission-  
ers to indorse  
valuation.

Their com-  
pensation.

Oath of office.

city of guardian or receiver, an interest shall be allowed by the said company of not less than at the rate of four per cent. annually, which interest shall continue until the monies, so received, shall be duly expended or distributed.

Sec. 5. Where the annual income of an infant, of whose estate the said company shall be guardian, shall exceed the sum allowed, or which may be sufficient for the education and support of such infant, such surplus income shall be at the sole risk of said corporation, and for all losses of such monies, the capital stock, property and effects, of the said corporation shall be absolutely liable.

Sec. 6. The capital stock of the said corporation shall be two million of dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the said company, from time to time, in like shares, to four millions of dollars; and if, at any time, when the books shall be opened, a larger amount of stock to be subscribed than is proposed for, the higher and larger subscribers shall be curtailed; so that all who may apply for stock may be enabled to procure it. The whole of said two millions of capital shall be loaned and invested in bonds or notes drawing interest, not exceeding eight per cent. per annum, secured by unincumbered real and personal estates, lying and being in the Territory of Florida, of double the value, in each case, of the sum so secured, which real and personal estate shall be conveyed to the President of said company, his successors in office, and assigns, with an express trust power, on default of the payment of the principal and interest, according to the tenor of such bonds or notes, to sell the said real or personal estate, or so much thereof as may be necessary to pay the sum in arrear and the incidental expenses, and to pay the surplus of the proceeds of such sale, (if any,) on demand, to whom the same shall belong; but before any liability as is hereinafter provided, shall be incurred, by this Territory, the valuation to be made shall be approved, and said approval shall be endorsed, by one or more commissioners to be appointed by the Governor and Legislative Council, or by the Governor in the recess; and the Governor, from time to time, shall have power to appoint and displace said commissioner or commissioners; and for every approval made by them, each one shall be entitled to receive five dollars, to be paid by the owner or applicant; and every one who shall be so appointed, before acting, shall take and subscribe an oath, before a judge of the superior court, that he will faithfully judge and report on the value of said mortgaged property submitted to him; said valued and mortgaged property, when received by the company, to be recorded in the county of St. John's, and the registry thereof shall be held sufficient, in law, to bind the property, and thereafter the same shall not be assignable; but shall remain as a security for the ultimate payment and redemption of the principal and interest of the liabilities of this Territory for said company—and the President and

1835.

Notice of  
sales.

His successors in office, in case of any default, are hereby enabled and authorized to take, hold, and convey such real or personal estate in pursuance of said trust, and to sell the same at public auction; but, in all cases shall give twelve weeks' public notice of such sale, by advertising the same in one or more newspapers, published at the seat of government, and also in a newspaper nearest the premises, to be sold at the time and place of such sale or sales—said advertisement to be published at least once in each week: Provided that no increase of capital shall, at any time be ordained by the said company, without the written consent of the holders of a majority in amount of the stock, their agents, or representatives.

Sec. 7. All the corporate powers of said company shall be exercised by a board of trustees, and such officers, agencies and branches as they shall establish and locate. The board of trustees shall consist of ten persons, all of whom shall be stockholders to the number of thirty shares; and three Directors to be appointed annually by the Governor and Legislative Council, after the guaranty shall have been required, who may or may not be stockholders, they shall annually elect a President from their own body, and shall have power to declare by a by-law what number of trustees, less than a majority of the whole, shall be a quorum for transacting business, and the expense of drawing securities, and other papers, and examining titles &c. shall be paid by the applicants for loans. Powers of  
Comp'ny, how  
vested.

Sec. 8. The trustees shall severally hold their offices during good behaviour, but the court of appeals shall have power to remove a trustee, on such notice to be heard, as they shall deem reasonable on the application of a person interested, for a misdemeanor in office. The said board of trustees shall be divided into five classes, consisting of two members each, and so arranged that the term of service of one of each of said classes shall expire at the end of every two succeeding years—to be divided by lot, so that two trustees shall be appointed every two years.—Every vacancy happening in the board of trustees, by death, resignation, or otherwise—other than by the expiration of classes—shall be supplied by the choice of the remaining trustees; and, in all cases, the votes of two thirds of all the trustees, for the time being, shall be requisite to a choice. No person shall be eligible, who shall not have been openly nominated at a meeting of the Trustees, at least one month before the day on which the election is held, and the name of every person, so nominated, shall be published for three successive weeks previous to the day of election in one or more of the newspapers printed in the Territory of Florida: Provided that when vacancies shall happen, by expiration of classes, the same shall be supplied by elections to be held by the stockholders of said corporation; and elections held for the purpose of supplying such vacancies shall be held, as near as may be, in pursuance of, and according to the provisions of the 10th section of this

Trustees, how  
removable.

1835.

Vacancies,  
how filled.

act, except that notice of the time and place of holding such elections shall be given by the trustees of said corporation instead of being given by the commissioners, as is in said section provided.

Commissioners.

Sec. 9. That Lot Clark, Robert Raymond Reid, and Thomas Douglas shall be, and are hereby appointed commissioners, whose duty it shall be, within nine months after this act shall be in force, at the time and place, in said Territory fixed by said commissioners for that purpose, to open books for receiving subscriptions to the capital stock; the books shall be opened at the hour of ten in the morning on the day fixed by the commissioners, and shall be kept open from time to time, by adjournment, until the whole stock shall be subscribed, not exceeding thirty days; public notice shall be given for at least sixty days, in three or more newspapers published in the Territory of the time and place of opening the books for receiving subscriptions to the capital stock of said corporation. Provided, that if the said stock shall not be subscribed within thirty days, the said commissioner shall have power to re-open the books at any time or times thereafter, within three years, under such regulations as are hereinafter specified.

Their duties.

Meeting of  
Stockholders.

Sec. 10. So soon as said stock shall be taken, the said commissioners shall notify the subscribers to said stock, by publication in one or more newspapers published in the said Territory, for thirty days, to meet at such time and place, as in such notice they may direct, to elect ten persons from among the said subscribers to constitute the first board of trustees under this charter; and when the said subscribers, or so many thereof as may have assembled at the time and place fixed for the opening the polls of the said election, they shall appoint four disinterested and respectable freeholders of the Territory of Florida, judges of the said election, who shall proceed to discharge the duties hereby required of them, that is to say, they shall receive the votes of the said subscribers either by person or proxy, duly authenticated, in writing, allowing to each subscriber one vote for each share by him held, and they shall carefully note each vote in duplicate books prepared for that purpose, and after having taken all the votes which may be offered within the time fixed by said notice, the said judges shall count said votes and certify the number of votes given to each person, and thereupon they shall forthwith hand over the said poll books, to the said commissioners, the one for the company and the other to be transmitted to the Secretary of the Treasury; and the ten persons having the highest number of votes shall be the said trustees, and thereupon their powers and authority as said trustees shall commence.

Election of  
Trustees.

Their duties.

Sec. 11. That so soon as the said trustees are elected, they shall organize and notify the Governor of this Territory, that they are ready to commence business, and thereupon the said Governor shall appoint some suitable person to examine and as-



certain the amount of monies paid in upon the first instalment of said capital stock, whose duty it shall be, at the expense of the said company, to make such examination and ascertain by the oath of the President, that the said capital has been *bona fide* paid in by the said stockholders of the said company, in payment of the first instalment under the regulations of the said charter, and for no other purpose whatever, and that it is intended to be and received as part of said capital stock, and forthwith make due return thereof to the Governor, who on the return being made to him as aforesaid, that the sum of two hundred thousand dollars of the capital stock of said company, has been paid in, in specie or its equivalent, shall cause proclamation to be made of the same, under the great seal of the Territory, which shall be published at the expense of said company in one or more newspapers published in said Territory, and on the first publication of said proclamation, it shall be lawful for said company to commence business, and not before.

Business of  
Com. when to  
commence.

Sec. 12. Each subscriber shall, at the time of subscribing, pay to the commissioners receiving the same, the sum of ten dollars on each share by him subscribed, and after the shares shall have been subscribed, each stockholder shall pay an instalment of ten dollars on each share so held by him; at the expiration of six months thereafter, at such place or places as the Trustees shall appoint, of which time and place or places, at least six weeks public notice shall be given, and within three years, after the said stock shall have been subscribed, the whole amount remaining due, shall be paid in such instalments as the Trustees may direct, of which the same notice shall be given. The shares of every stockholder, omitting to make such payment, shall be forfeited, together with all previous payments made thereon, and the books shall be again opened as directed in the 9th Sec., for subscription, and so from time to time, until all shares are subscribed and paid for.

Instalments,  
when paid.

Sec. 13. Every Trustee of said corporation shall be a stockholder to the amount of thirty shares at least, and the seat of every Trustee ceasing to be a stockholder to that amount, shall be immediately considered and held vacant.

Who may be  
Trustees.

Sec. 14. The certificates of stock and of monies received in trust, issued by the said corporation, shall be assignable on the books of the corporation, to be kept at such place or places, and under such regulations as the board of Trustees shall establish.

Certificates  
transferable.

Sec. 15. The Trustees shall have a discretionary power of investing the premiums and profits received by the company, and the monies received by them in trust, in public stocks of the United States, or of any individual State, or in the stocks of any incorporated City, or in such real or personal securities, as they may deem proper, or loan the same to any County, City, incorporated Town, or company.

Profits may be  
invested.

Sec. 16. The board of Trustees shall exhibit, annually, to the court of Appeals of this Territory, on such day as the said court

Board must  
report to court  
Appeals.

1835.

shall appoint, a full statement of their affairs, in such form, and verified in such manner as the said court shall direct. The said court of Appeals, should they deem it necessary, may refer such statement to a commissioner, or master, to be appointed by said court, with directions to make a full and thorough investigation into the affairs and management of the company, and to report his opinion in relation to the ability and integrity, with which its affairs are managed—the prudence and safety of its investments—the security afforded to those by whom its engagements are held, and such other matters as the said court shall direct, touching the safety of said corporation.

Same to be  
transmitted to  
L. Council.

Committee of  
examination.

Trustees when  
responsible for  
losses.

Penalty for  
suspension of  
payment.

Sec. 17. A copy of every statement made as aforesaid, and of every report made by a commissioner or master, shall be transmitted by the said court to the Legislative Council at its annual session; and the Legislative Council shall have power at all times to appoint a committee from its own body, whose duty it shall be to examine the condition and state of said body politic and corporate, to inspect the books and minutes of proceedings of the board of Trustees, to ascertain the amount of deposits therein, an exact list of balances due to and from said body politic and corporate, all other affairs of the same, and make a report thereon at such times as they may be instructed and directed; and if the Legislative Council shall be of the opinion that said company have violated any of the provisions of its charter,, they shall have power to order a *scire facias* to be issued by said court of Appeals, for the purpose of determining whether the charter of the said company ought not to be vacated for forfeiture.

Sec. 18. For all losses of money which the capital stock shall not be sufficient to satisfy, the trustees shall be responsible in the same manner, and to the same extent that trustees are now by law responsible, in law or equity.

Sec. 19. The company shall have power to issue bills or notes other than drafts or bills of exchange, to the amount of the capital actually paid in, and shall not exceed the same, on pain of forfeiture of their charter. Said bills and notes to be signed by the President and Secretary, or Cashier of said corporation; and said corporation shall never refuse or suspend the payment in specie of any of their notes or obligations, or of any funds received by them in deposit, on lawful demand being made; and if the said corporation shall refuse or suspend payment, the bearer of any note or obligation, or any person having the right to demand or receive the amount of funds deposited as above mentioned, shall be entitled to recover interest at the rate of twelve per cent. per annum, until they shall tender payment thereof, with interest as aforesaid, in specie at their counter; and unless payment shall be so made, or a tender thereof, within ninety days, the charter of the said company shall be considered forfeited, and they shall cease all operations as a corporation, except so far as shall be necessary to close their concerns and fulfil existing contracts.



Sec. 20. The capital stock of said corporation shall be taxed at the same rates as all other personal property of the said Territory, and not otherwise; and that no tax shall at any time or times, be hereafter levied against the said corporation, beyond the amount of five thousand dollars in any one year.

1835.

Stock liable to be taxed.

Sec. 21. To enable the said company to make loans and discounts beyond the amount of their capital, to be paid in by the stock holders as aforesaid, they may issue certificates of one thousand dollars each, bearing not more than six per cent. interest, redeemable within the range and limit of the charter, at such times as the Governor and the company may agree on, and present the same to the Governor, or acting Governor of this Territory, whose duty it shall be to endorse thereon "guaranteed by the Territory of Florida," and sign his name and title of office thereto, and return the same to the said company; and the faith of the said Territory is hereby pledged as security for said company, for the faithful payment of such certificates, according to the tenor and effect of the same: But no greater amount of certificates shall be at any time endorsed, than may be equal to the debts placed under mortgage to the company, at the time of making application, to be secured after the mode, and in conformity to the manner pointed out and directed in the sixth Section of this Act. And in case the said company shall make default in payment of the principal or interest of such certificates, it shall be the duty of the court of Appeals of said Territory on being certified of the fact, by the Governor, to issue an appropriate process to any Marshall of said Territory, commanding him to take so much of the money, choses in action, or other effects or property of the said company, and bring the same into court forthwith, as will be sufficient to indemnify the Government from loss by reason of such default, and the court is hereby empowered to direct the disposal of the same: Provided, when this guarantee is asked for, the Governor and Council shall have power to appoint three directors, who may, or may not, be stock holders.

Guaranty of Territory.

Default by Company.

Sec. 22. This Act shall not be construed to confer on the said company any right or power to make any contract, or to accept or execute any trust whatever which it would not be lawful for any individual, when not restrained by statute, under the general rules and law, which are or shall be in force, to make, accept or execute.

Act to be liberally construed

Sec. 23. The said Trustees shall on the first Monday of January and July, annually, make and declare such dividends resulting from the profits of the said company as they may think proper, but shall not impair nor in any wise lessen the capital stock; and shall cause the said dividends to be paid on demand to the stock holders thereof, at such place or places as by a by-law they may appoint.

Dividends when declared

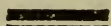
Sec. 24. The said Trustees may choose annually from their body a Vice President, who shall perform all the duties of the

Vice President

1835.	President in case of his absence or inability to perform said duties.
Duration of Charter.	Sec. 25. This law shall remain unalterable, without the consent of the Trustees of the said company, until the expiration of fifty years from its passage, nor shall it at any time hereafter be so altered as to prevent the execution by the company, of any subsisting contract.
Printed copies to be received in evidence.	Sec. 26 This Act shall be taken and received in all courts, and by all Judges, Magistrates, and all other public officers, as a public Act. and shall receive, on all occasions, a favorable construction; and all printed copies of the same, which shall be printed by, or under the authority of the Legislative Council, shall be admitted as good evidence thereof, without any other proof whatever.

Passed, February 12th, 1835.

Approved, February 14th, 1835.



CHAP. 827. [No. IV.] An Act to incorporate the Union Rail Road Company, in the Territory of Florida.

Corporation.	Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That a company be, and the same is hereby incorporated by the name and style of the Union Rail Road Company in the Territory of Florida, and that William B. Nuttall and Jonathan Robinson, and all persons who shall become subscribers and stockholders in said company, their successors and assigns, are hereby constituted a body politic and corporate, and by their name aforesaid, they and their successors and assigns shall be known in law, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; and by their name aforesaid shall be capable of purchasing or otherwise taking, receiving, possessing and holding, selling, transferring and conveying real and personal property or estate, so far as the same may be necessary for executing the legitimate objects of said incorporation; of granting, giving, and receiving mortgages of and for the same; borrowing money; of contracting for, acquiring and using engines, horses, cars, wagons, vehicles and vessels, for the transportation of persons, goods, wares, merchandise, produce, and all articles and things whatsoever; of engaging and employing engineers, artificers and laborers; officers, agents and servants as the said company may deem necessary or useful; and generally of entering into and executing, and by law enforcing the performance of any and all contracts deemed by said company to be necessary and proper to the full execution and enjoyment of the ob-
Name & style.	
Powers.	



1835.

acts of their said incorporation. They shall have and enjoy perpetual succession, and may have and use a common seal, and alter, break and renew the same at pleasure. They shall have power to ordain and execute, all such by-laws, rules and regulations, not at variance with the laws of the Territory or of the United States as may be deemed by said corporation necessary or expedient for their government, and the same to alter and amend.

Sec. 2. Be it further enacted, That the said company shall have and enjoy the privilege, right and power to survey, locate, establish and construct a rail road from any point on the rivers or bays of Ocklocknee, Apalachicola or Choctawhatchie, to the City of Tallahassee, or from any intermediate point or place, to any other intermediate point or place, between the said rivers or bays, with power, if they think fit, to continue said rail road to the northern boundary of Florida, and to intersect, or unite with the Tallahassee rail road, if completed, upon such terms and under such regulations as the said company may be able to contract for; or upon failure to secure this privilege upon terms exceptable, the said company shall have power to cross the said Tallahassee rail road; and the said company shall especially have power to form a junction with the rail road, if completed, of the Florida Peninsula and Jacksonville Rail Road Company, at such place as may be found most convenient; and in the event of the rail road of that company being completed as aforesaid, the said Union Rail Road Company shall have power to enter into any contract with the said Florida Peninsula and Jacksonville Rail Road Company, whether the end and object thereof be, to combine their several interests in one common property, or to secure to the cars and machines of each, the reciprocal right of passage over the road of the other; and to make any and every kind of arrangement designed to promote their respective interests or the public utility. And the said Union Rail Road Company shall have power to construct such branches of their said road as they may deem necessary, and to construct and use one or more track, or tracks, or sets of rails.

May construct  
Rail Road

Connect same  
with Flo. Pen.  
and Jackson-  
ville R. Road.

Sec. 3. Be it further enacted, That for the purpose of constructing the said rail road, the said Union Rail Road Company may enter upon, take possession of, level, graduate and appropriate to their own use, any land or water which may be necessary for the construction, use and permanent security of said rail road, to an extent not exceeding one hundred feet upon each side of the road, for the ordinary purposes thereof; and also the further quantity of land necessary for depositories and for the erection of shops, warehouses, wharves, sheds, stables and other houses and structures for the business and traffic of said rail road, and generally to carry into full effect the object of said incorporation: Provided, that where said road may pass through or intersect established towns or villages, not more than

May enter on  
lands of indi-  
viduals.

Limitation

1835.

Compensation  
for private prop-  
erty.

Notice to be  
served.

Appraisers,  
how appointed

Their duties.

forty feet shall be taken within a mile of the limits of such town or village, unless a greater extent be granted or given by the inhabitants, or public authorities thereof. And the said company may take and appropriate to the construction of said rail road, or any buildings, structures, or works connected therewith, any timber, rock, stone, gravel, earth, or other materials contiguous thereto, or necessary to construct and keep the said rail road and the buildings and structures thereunto appertaining, in repair; and may also stop up and divert from their natural channels, any streams of water in the route of said rail road; but for the passage of said rail road over rivers, ordinarily navigable for boats drawing two feet water or upwards, they shall erect bridges of such form and elevation as in no case to obstruct the free passage of boats or vessels usually employed in the navigation thereof; and the said company shall be bound to pay to the proprietor or proprietors of all lands, property and materials so taken or acquired as aforesaid, and appropriated to the construction and repair of said rail road or the works or buildings connected therewith, unless the same be given or granted gratuitously, or upon terms mutually agreed upon, an adequate indemnification to be determined in the following manner, that is to say: It shall be the duty of the judge of the county or superior court, within whose jurisdiction the said land, property, or materials may lie, upon application made by the said company, with satisfactory proof that notice has been served upon the proprietor, or proprietors, or claimants, or published in three of the most public places in the county where the claim is preferred, at least twenty days before said application, to grant the writ of ad quod damnum directed to the sheriff, marshal or other proper officer, requiring him to summon three disinterested freeholders of the vicinage or county, of lawful age, to meet upon a day fixed by the said writ, and value the said property or water privileges under oath, to be administered by the officer summoning them. The said freeholders shall meet accordingly, appraise and value the property so taken as aforesaid, together with the damages sustained by the owner or owners. The appraisers shall make their report in writing to the officers summoning them, and the same shall be filed by him in the office of the clerk of said court within five days after it may be received, and within thirty days thereafter, the said corporation shall pay the amount thereby awarded, to the proper person authorised to receive it, or to the said sheriff, marshal or other proper officer, with fees and costs; and upon failure so to do, it shall be the duty of the said court to issue execution for the full amount against the said corporation. Either party shall be entitled to the right of appeal from the said award as in other cases; and on the final decision of the question, whether by the appraisers or the court, and the payment of the money awarded or decreed, the said corporation shall be seized of the land involved in said award in fee simple forever.

Sec. 4. Be it further enacted, That the capital stock of said company shall be one million of dollars, divided into shares of one hundred dollars each. But if the railway hereby authorised on the main stem and branches, together exceed eighty miles, the capital stock may, at the discretion, and in the manner prescribed by the said company, be increased fifteen thousand dollars for each and every additional mile located over and above eighty miles actually completed. That subscriptions to said capital stock shall be payable in such instalments, at such place or places, and under the limitations, restrictions, and exemptions hereinafter provided, at such times as the said company, or its board of Directors shall order and determine. That each share shall entitle the holder thereof to one vote, either in person or by proxy.

1835.

Capital Stock,  
1,000,000.

Each share entitled to one vote.

Sec. 5. Be it further enacted, That as soon as it may be practicable after the passage of this act, the Directors of said company, or any two or more of them, shall cause books to be opened in the city of Tallahassee for the purpose of receiving subscriptions to the capital stock, there to be kept open for the space of sixty days, and then to be closed. And if the whole amount of said capital stock be not then subscribed, may cause said books to be re-opened, or other books, for the same purpose, to be opened at the same or at any other place, or places, in the Territory of Florida, or elsewhere in the United States, at their discretion, and closed at their pleasure.

Books of subscription to be opened.

Sec. 6. Be it further enacted, That in case of non-payment of any subscription of stock, or of the first instalment, at the time required, or within twenty days thereafter, the board of Directors of said company, shall have power to declare such stock forfeited to the use of the company; and in case of non-payment of a second or any subsequent instalment, so to apply any amount previously received as to give to the delinquent subscriber or subscribers, or to allow them to retain, at their full amount, the number of shares corresponding to the amount paid, and to declare forfeited, to the use of the company, the residue of stock unpaid for: Provided, that the said previous payment or payments shall amount to the sum of one hundred dollars, in which case, a delinquent subscriber shall be allowed to retain one share. And any surplus received in such payment or payments, over and above the amount of one share, or any number of shares, and not amounting to another share, shall also, in like manner, be forfeited to the use of the company. And the said company shall have power to dispose of, sell, transfer, mortgage and hypothecate, for their own benefit, the stock so acquired.

Stock, how forfeited.

Provided

Sec. 7. Be it further enacted, That any and all subscribers, being citizens or inhabitants of the Territory of Florida, their heirs or assigns, or any lot or lots, parcel or parcels, tract or tracts of land in said Territory, the title to which is derived from the United States, or held by virtue of a Spanish title, con-

Land may be pledged for payment of instalments.



1835.

firmed by law and finally decided, shall have the right, privilege and option, on giving written notice to the board of Directors, at the time of subscribing, of their intention to avail themselves thereof, to pledge, mortgage and convey to the said company any and all such lot or lots, parcel or parcels, tract or tracts of land, for the purpose of securing to the said company the payment of their several and respective subscriptions. And the said company shall receive as security for the payment of stock such conveyances of land; at two thirds of the value agreed upon between the parties, or no agreement being made, to be ascertained by appraisers, one of whom shall be appointed by the proprietor of the land, the other by the corporation, and if the appraisers disagree in opinion, by an umpire, to be chosen by such appraisers. And the Directors of said company shall have power, at the time of receiving subscriptions, and before agreement or appraisement may be had, to reduce subscriptions considered exorbitant, or greatly disproportioned to the probable value of the land, offered as security, to correspond with such probable value; and for good and sufficient cause, may reject any such land.

Appraisement  
may be reduced.

Spanish grants  
pledged.

At \$1 25 per  
acre.

Sec. 8. Be it further enacted, That any and all subscribers, being citizens or inhabitants of the Territory of Florida, their heirs or assigns, being owners or claimants of any lot or lots, parcel or parcels, tract or tracts of land, held or claimed under or by virtue of any grant or concession of land in this Territory, made by Spain or her lawful authorities, prior to the twenty-fourth day of January, one thousand eight hundred and eighteen, and not yet finally decided, whether the original grant or concession or other title under which the owner or claimant derives his title or claim was absolute and unconditional, or made under conditions; whether the claim or claims be now pending in court or not; whether the claimant has or has not failed or omitted duly to present the claim or claims for consideration, to any tribunal for that purpose, organised by law; shall have the right, privilege and option, on giving written notice, at the time of subscribing, of their intention to avail themselves thereof, to pledge, mortgage, transfer and convey to the said company, the said lot or lots, parcel or parcels, tract or tracts of land, for the purpose of securing to the said company the payment of their several and respective subscriptions to the capital stock thereof. And such land shall be received by the said company at a rate, not exceeding one dollar and twenty five cents the acre, unless the company agree to receive it at a higher rate. And in order to render the said land a certain and available security to the said company, it shall be lawful for the President thereof, and it shall be the duty of the owner or claimant of the land to apply by petition to the judge of the superior court of the district where the land is situated, or, in the case of a claim with no designated or ascertained place of survey or location, to any judge of the superior court of the Territory of Florida; and it



shall be the duty of the judge, upon receiving satisfactory proof of the conveyance of said claim to said company, to consider the said claim, and if deemed just and equitable, to confirm the title in the claimants; and such confirmation shall be final and conclusive, and operate as a release of all claim by the United States thereto: Provided, that no tract of land claimed and confirmed as aforesaid, shall exceed five miles square. And where the location is not designated in or by the said claim so confirmed as aforesaid, and in any and every case where a claim so preferred for consideration and confirmed shall conflict with any other claim or claims, the owner may, and it shall be lawful for the President of said company to locate the same quantity in and upon any other public lands, by the legal lines and divisions, but no change of location shall exempt such claim, or any land; the location of which may be so changed, from the lien hereby created in favor of said company: Provided the Congress of the United States approve and sanction this act.

1835.

Superior court  
may confirm  
title

Sec. 9. Be it further enacted, That where a pledge, mortgage, and conveyance to the said company, of land, to secure the payment of subscriptions to the said capital stock, shall have been made, to the satisfaction of the board of Directors, the said subscribers, to secure the payment of whose subscriptions, such pledge, mortgage, and conveyance has been made, shall be exempted from any payment on account of their subscriptions, and also from any forfeiture of stock, for the term of four years from the time of commencing the said rail road, and shall be allowed the reasonable time necessary for preparing and completing their conveyances, any thing in this act to the contrary notwithstanding.

Time allowed  
to complete  
conveyance.

Sec. 10. Be it further enacted, That if upon the expiration of four years from the time of commencing said rail road, any subscriptions, or any portion thereof—any instalment, or instalments secured, to be paid by a pledge, mortgage and conveyance of land, shall remain due to said company and be unpaid, together with legal interest upon the amount of each instalment, from the time it may have been declared by the board of Directors, to be due and payable, the company shall have the power, and are hereby authorised, upon giving three months' notice in two newspapers published in the Territory of Florida, to sell the land so pledged, mortgaged and conveyed as aforesaid, at public auction, to the highest bidder, for the best price that can be obtained, and if the amount of sales shall exceed the sum subscribed, or the amount due to the company, with interest and costs of sale, the said company shall be bound to pay the surplus to the owner of the land, and if there be a deficiency, the amount received shall be applied for the benefit of the subscriber, in each and every such case, to whom it belongs, in the manner pointed out in the sixth section of this act: Provided, that nothing in this act contained, shall be so construed as to prevent the proprietors or claimants of land pledged to secure

Land pledged  
how sold.

1835.

the payment of subscriptions from making other arrangements, or substituting other security, satisfactory to the company, and obtaining from said company a release and discharge of the land pledged, from the lien hereby created.

Subscriptions  
on pledges pre-  
ferred.

Sec. 11. Be it further enacted, That subscriptions to the stock of said company to be secured by pledges of land, shall be received in preference to, and before other subscriptions: Provided, that the amount of subscriptions so to be secured, to be paid, shall not exceed the sum of five hundred thousand dollars, unless a consent to admit and receive a greater sum or proportion be given by a majority of the votes of stockholders.

Expense of  
appraisements  
&c.

Sec. 12. Be it further enacted, That the expense of executing and recording deeds, mortgages, and conveyances of land to the said company, and also the expense of appraising and valuing said land, as well as all and any expenses attending the sale thereof, and any all other expenses whatever attending, or growing out of the establishment of title in said company, and the conveyance of said land, shall be borne and paid by the party giving such security.

Exclusive  
right of trans-  
portation-

Sec. 13. Be it further enacted, That the said company shall have and enjoy the exclusive right and privilege of transporting or conveying persons, goods, produce, and all other articles whatever, upon the said rail road, in its own vehicles, or may license strangers to the corporation, to act as carriers on their own account, or open the said road to the public upon such terms and under such restrictions as they may think proper to impose, and may contract to deliver goods, wares, merchandise, and produce, transported on their road, at any port or place beyond either extremity, and shall have power to ensure the same against marine, fire, or other risks, for such rates of premium, and under such stipulations, regulations, and restrictions, as the said company may see fit to establish; and they shall have the right to charge for the transportation of passengers, goods, wares, merchandise, or produce, the rate and sums allowed to the Florida, Alabama, and Georgia Rail Road Company, by their act of incorporation, passed February 14, 1834—approved February 15, 1834; and when the tolls upon said road shall have paid the stockholders the full amount of its cost, together with all expenses, the company shall then pay two per centum on all profits over ten per centum per annum into the treasury of this Territory.

Limitation.

Goods liable  
for tolls.

Sec. 14. Be it further enacted, That the said company shall have a lien on goods wares, merchandise, produce, baggage, and other freight, for transportation, freight, storage and tolls; and if not paid, the said company shall have the right to detain, and after giving twenty days' notice in a newspaper published in the Territory, to sell the same, or so much thereof as will satisfy the amount due, with reasonable costs and expenses, at public auction. If, from the nature of the case, there be excess arising from such sales, over and above the amount due as



aforesaid, such excess shall be paid to the person or persons entitled to receive it. When a lien on goods, wares, merchandise, produce, or other thing, may be given or granted to said company, either as aforesaid, or for money by them advanced or loaned, it shall have a preference to any other lien, unless the corporation had notice of its existence.

Sec. 15. Be it further enacted, That the stock of said company shall be transferable and assignable, under such rules and regulations as may be established by said company, who shall issue to subscribers their certificates of stock. No transfer of stock shall be considered as binding upon the company: Provided, however, that any promise made in writing to transfer stock may be summarily enforced by the judge exercising chancery jurisdiction in the district where the promise is made, or to be performed, upon application by the vendee or purchaser, and shall be recognised by said company, and a promisor failing to make a transfer of stock pursuant to his promise, shall be liable to the party aggrieved for damages.

Sec. 16. Be it further enacted, That the stock of said corporation shall be deemed personal property, and shall not be subject to sale or seizure by virtue of an attachment or other process issuing from a court of common law, nor shall any of the cars or vehicles of said corporation be subject to such process; and in all cases where a duty is enjoined by this act, the judge in equity of the district, town or county where the performance of such duty is required, shall have power to take cognisance of the case, and compel the performance of the duty upon the application of the party aggrieved, and in any and every case where money is due by said company, upon execution of a decree in chancery, said judge shall appoint a special receiver or receivers to ask, demand and receive the tolls, incomes, or revenues of said company, sufficient to pay and satisfy the same, or may order the marshal, or sheriff, to perform that duty.

Sec. 17. Be it further enacted, That the stock and property of said corporation, shall forever be exempt from taxation, either by the Legislature of Florida, or any of the counties, towns, or cities through which their said rail road shall pass, or in which it may lie. The engineers and workmen while employed in the business of said corporation, shall be exempt from militia, road and jury duty.

Sec. 18. Be it further enacted, That whenever the said rail road may cross, or intersect established roads or highways, suitable and proper fixtures for the passage of wagons and other carriages, shall be established and kept in repair by the said corporation; and for each farm, plantation, or tract of land, private or individual property, at the time of the location of said road, said corporation shall provide and maintain at least one set of fixtures for wagons and other carriages, for crossing said road wherever necessary.

1835.

Stock trans-  
ferable.Stock deemed  
personal prop-  
erty.Debts of cor-  
poration how  
recoverable.Stock to be  
exempt from  
taxation.Rail Road may  
cross highways



1825.

Penalty for  
injuring same.

Sec. 19. Be it further enacted, That any person or persons who shall willfully, or maliciously injure, destroy, or impair the road or roads of the said corporation, or any part thereof, or any other property whatsoever to the said corporation belonging, or in any wise appertaining, such person or persons, his or their aiders and abettors, shall be subject to indictment for, and held to be guilty of a misdemeanor; and on conviction thereof, shall be punished by fine, not exceeding \$1000, or imprisonment, not exceeding one year, or both, at the discretion of the jury before whom the trial is had, and shall moreover be liable to a civil action for damages; and any and all such offenders shall also be liable to the punishments and penalties inflicted by law for the like injury committed on private persons or private property; and all fines recovered by or under this act shall belong to the Territory.

Election  
Directors.

Sec. 20. Be it further enacted, That the concerns and business of the said company shall be managed by thirteen Directors, who shall be elected by the stockholders from among their own number, immediately after the sum of two hundred thousand dollars shall have been subscribed; that an election in like manner and for the same purpose shall be holden annually thereafter on the first Monday in January in each and every year.— That immediately after any such election, the Directors shall proceed to elect a President from their own body; that sixty days' notice of the time and place of holding all elections shall be given by order of the board of Directors for the time being, in two newspapers, published in the Territory of Florida; that in all elections of said company, a majority of votes shall constitute a choice; that the board of Directors, for the time being shall hold their offices until their successors shall be appointed; that if, from any cause, no election shall take place as herein provided, the said company shall not, on that account, be deemed to be dissolved; that the board of Directors shall have power to fill any vacancy that may occur in their body between the periods of election; that the board of Directors shall be required, and it shall be their duty, to make a full report of the affairs of the company at the annual meeting; that any two of the Directors shall have power to call and order a meeting of Directors, whenever, in their opinion, the interest of the company require it; that Wm. B. Nuttall, Wm. Wilson, Willis Alston, Samuel H. Duval, Thos. Brown, Frederick Towle, Turbutt R. Betton, Wm. M. Gibson, John G. Gamble, Abram Bellamy, John Parkins, Brenton Rogers, and Wm. L. Haskins shall be the first Directors of said company and hold their offices until an election shall be held by the stockholders; that immediately after the passage of this act the board of Directors, herein named, shall meet and choose a President from their own body, of whom the presence of seven shall be necessary to constitute a quorum; that two of the Directors may afterwards form a quorum for the transaction of business.

Sec. 21. Be it further enacted, That no order of the board of Directors shall be valid, in opposition to the avowed will or instructions of a majority of the stockholders, and the owner or owners of one thousand shares of the stock of said company may, at any time, on giving sixty days' notice thereof, in two newspapers published in the Territory of Florida, call a general meeting of the stockholders to decide upon any question involving the rights or interests of said company; and the stockholders, so convened may, if they think fit, elect a new board of Directors, or order the same to be done: Provided a majority of of the whole stock of said corporation shall be represented at said convention. And if a new board of Directors be elected as aforesaid, they shall take the place of and supercede those in office, any thing in this act to the contrary notwithstanding. That all contracts, in behalf of said corporation, and all policies, bonds, or notes shall be signed by the President of said company and countersigned by the Secretary of the board.

1845.  
Majority of  
Stockholders  
to govern:

1,000 shares—  
may call meet-  
ing,

Sec. 22. Be it further enacted, That the said company shall commence their said rail road within two, and complete the same within five years from the time when this act shall become a law, otherwise the corporation hereby created, shall thenceforth cease and determine. Provided, that if any two of the navigable streams herein before mentioned or referred to, shall within that time, be connected by a rail road to be by them constructed, the corporation hereby created shall remain in full force; and said company shall be allowed a reasonable time for uniting other points within the limits prescribed; and no charter shall be granted by the Legislative Council conflicting with or impairing the rights and privileges hereby granted.

Limitation of  
charter.

Sec. 23. Be it further enacted, That this act shall receive a liberal construction in courts of law and equity, and all or any printed copies thereof published by authority, shall be received in evidence.

How construe

Passed, Feb. 13th, 1835.

Approved, Feb. 14th, 1835.

CHAP. 823. [No. v.] An Act to revive an act to incorporate the St. Andrew's and Chipola Canal Company.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Act entitled, "An Act to incorporate a company to be called the St. Andrew's and Chipola Canal Company" passed, February 3d, 1832, and approved, February 10th, 1832, is hereby revived, and shall continue in

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for the space of three years from and after the passage of this act.

Five years allowed.

Passed, Feb. 10th. 1835.

Approved, Feb. 14th, 1835.

CHAP. 829. [No. VI.] An Act to incorporate a company to be called the Lake Wimico and St. Joseph's Canal Company.

*Incorporation.* Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Robert Beveridge, Edward J. Hardin, J. C. Maclay, James D. Bulloch, E. J. Wood, David Webster, Wm. G. Porter, Thomas Penney, R. C. Adams, Wm. D. Price, Cyrus Dykman, J. G. Floyd, H. Hawley, O. C. Raymond, James Black, Thomas Bertram, John Jenkins, Oren Marsh, James Y. Smith, George S. Hawkins, John D. Roland and James Evans are hereby created a company to be called the "Lake Wimico and St. Joseph's Canal Company," and that said company is hereby made a corporation, by the name and style aforesaid, and by that name shall be capable in law to purchase, receive, enjoy and retain to themselves, and their successors, lands, tenements, goods, chattels and effects of every kind soever, so far as the same may be necessary for carrying on the contemplated work, and the same to grant, sell, mortgage and dispose of, to sue and be sued, plead and be impleaded, to make a common seal, and at pleasure to break or alter the same; to ordain, establish, and put in execution such by-laws and regulations as may be deemed necessary and expedient for the government of said corporation, not being contrary to the laws and constitution of the United States, or of the laws of this Territory.

*Capital Stock*  
500,000. Sec. 2. Be it further enacted, That the capital stock of said company shall be two hundred and fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each; that subscription books shall be opened, at such places and times, and under the superintendence of such persons as the aforesaid company, or a majority of them shall direct, and that the said instalments shall be paid in as the said company shall deem expedient.

*Directors how chosen.* Sec. 3. Be it further enacted, That for the management of the business of said company, five Directors shall be chosen by the stockholders; the first election to be held at Apalachicola, as soon as the capital stock has been subscribed for, under the superintendence of such persons as the said stockholders may direct, and one of said Directors to be selected for President.



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by them: Provided that twenty days' notice shall be given of the time of holding said election, through the medium of the public prints at Apalachicola and Tallahassee, and that every election for Directors, ensuing said first election shall be held on the first Monday in January in each and every year. The number of votes to which stockholders shall be entitled shall be in the following proportion: For one share, and not more than two, one vote for each share; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; for every ten shares above one hundred, one vote; and upon this principle shall all votes be made in relation to business which may come before the stockholders—any stockholder may authorise an agent to vote, in all elections by the company—a plurality of votes shall constitute a choice, and the persons so elected shall hold their offices until their successors are appointed.

Sec. 4. Be it further enacted, That the President and Directors shall have power to appoint such officers under them as may be necessary, and to dismiss the same at pleasure, to prescribe their duties, and to require security for the faithful performance thereof.

Sec. 5. Be it further enacted, That the said company shall have the right to construct a canal for the transportation of goods, produce, and all articles whatsoever, from any point at the head of navigation of Lake Wimico to such point of the Bay of St. Joseph's as may be most suitable and convenient for a harbor; and may, for this purpose have, exercise, and use free and uninterrupted, but not exclusive control over any waters connecting the said Lake Wimico with the said Bay of St. Joseph's, and also of the waters, creeks, and rivers, discharging themselves into either the said Lake Wimico or Bay of St. Joseph's.

Sec. 6. Be it further enacted, That in accomplishing the object for which said company is incorporated, it shall be lawful for the said company, by the President and Directors thereof, or their properly authorised agent, to enter upon and take possession of any lands whatsoever, whether covered with water or not, which may be necessary to the prosecution and completion of the works contemplated in this act, or whereupon it may be necessary to open any canal, or construct any dam, embankment, lock or other fixtures, intended or implied by this act: Provided, that no lands, owned by private individuals, shall be taken for said purpose without adequate compensation.

Sec. 7. Be it further enacted, That it shall be lawful for the President and Directors of said company, or their properly authorised agent, to take from any land most convenient to their works, at all times, such timber, stone, earth, and other mate-

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rials as may be necessary for the construction of, and keeping in repair said works and improvements: Provided, that nothing belonging to private individuals shall be taken without adequate compensation.

Compensation  
to individuals.

Sec. 8. Be it further enacted, That whenever it shall become necessary for said company to take possession of and use any land, timber, stone, or other materials, owned by private individuals, for the route and site of said works, or for the construction and keeping in repair the same, or any part thereof, and the parties do not agree upon the value of the same, it shall and may be lawful for the President and Directors of said company, or their properly authorised agent, to apply to the judge of the county court of the county in which said lands, timber, stone, or other materials lie, for a writ of ad quod damnum, directed to the marshall, sheriff, or other officer of said county, properly qualified, to summon five disinterested persons of lawful age and house-keepers, to meet and value the said property on oath, to be administered to them by the judge, marshall, sheriff, or other officer summoning the same, whose duty it shall be to attend said inquest in person and receive their report, and also receive from the President and Directors of said company, or their agent, the sum or sums of money adjudged by said report, and to pay over the same to the person or persons authorized to receive it, and to take an acquittal for the same; and until payment is made to the marshall, sheriff, or other officer aforesaid, of the sum awarded, it shall not be lawful for the said company to take possession of, or use such land, timber, stone, or other materials, and all the expenses incurred in the execution of the writ of ad quod damnum, shall be paid by said company, but the appraisers shall not receive more than three dollars each per day, while engaged in such duty.

Sec. 9. Be it further enacted, That all property so assessed and paid for by the President and Directors of said company, or their agent, agreeable to the provisions of this act, and all purchases made by, and donations made to them, shall forever after belong to, and become the property of the said company, their successors and assigns, in fee simple.

Rates of toll.

Sec. 10. Be it further enacted, That the President and Directors of said company shall be authorised to agree upon such rates of toll, for the use of such navigation, as they may deem reasonable; and so soon as said canal shall have become suitable for navigation, the said company shall be entitled to demand and receive tolls upon all produce, goods, merchandise, and other articles; and upon all vessels, boats or other craft, which may be transported upon, or pass down or up the said canal of said company, may from time to time as circumstances may require, change and alter said rates of toll and fees: Provided, that no alteration that may increase the rates of toll, shall have effect until three months previous notice thereof shall have been given by advertisement in the public newspapers, at Apalachicola

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and Tallahassee for three months successively; and said company shall continue to receive and collect such tolls and fees as they may from time to time establish, so long as said navigation shall be kept in sufficient order for the transportation in boats as aforesaid; and all produce, goods, merchandise, boats and other articles or things which may be transported or conveyed upon said canal, shall be liable for the tolls and fees for which they are respectively chargeable.

Sec. 11. Be it further enacted, That in case of the refusal or neglect to pay the toll, at the time of offering to pass through said canal, and previous to passing through the same, the collector of tolls may lawfully refuse passage; and if boat or vessel should pass without paying the toll, then the collector and other officer, may pursue and seize such boat or vessel wherever found, at any time within two days, and sell the same at public auction for ready money, so much of which as is necessary, shall be applied towards paying said toll, and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner; and the captain, owner, or master of any vessel, boat or flat, passing or attempting to pass through said canal, and likewise the boat, vessel, or flat itself, shall severally be liable to the payment of any penalty, and likewise to all damages which may accrue in consequence of the violation of any of the provisions of this act, or of the rules and regulations of the President and Directors, duly made and published, regulating the said canal, the navigation thereof, or the collection of tolls thereon.

Goods liable  
for toll.

Sec. 12. Be it further enacted, That it shall not be lawful for said company to ask, demand, sue for and receive any sum or sums of money for toll, upon any property of the United States, or make any charge whatever against persons in the service of the same upon public business, but the said canal shall be and forever remain a public highway for the use of the government of the United States.

U. S. property  
exempt.

Sec. 13. Be it further enacted, That if any person shall willfully do, or cause to be done any injury to said canal, or any of the works appendant or attached thereto, or shall in any wise impede or obstruct the navigation of the same, such person, so offending, shall be liable to be indicted, and on conviction thereof, to be punished by fine and imprisonment, and in all such prosecutions, any officer or stockholder shall be deemed a competent witness.

Penalty for in-  
juring canal.

Sec. 14. Be it further enacted, That this charter shall be forfeited unless the work contemplated be *bona fide* commenced within two years, and completed in five years.

Limitation of  
charter.

Passed, February 11th, 1835.

Approved; February 14th, 1835.



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CHAP. 830. [No. vii.] An Act to incorporate the Escambia Manufacturing Company.

**Incorporation.** Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Joseph Forsyth, A. P. Simpson, Ezekiel E. Simpson, Geo. Willis, Henry Ahrens, and such other persons as may become associated with them, shall be, and are hereby ordained constituted, and declared to be a body corporate and politic, in fact and in name, by the

**Name & style.** name of "The Escambia Manufacturing Company;" and by that name, they and their successors and assigns, shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, slaves, goods, and chattles, or property whatsoever, absolutely necessary or expedient to the objects of this incorporation.

**Capital stock** Sec. 2. Be it further enacted. That the Capital Stock of said Company shall be thirty thousand dollars, and may be increased to sixty thousand dollars, and shall be divided into shares of five hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

**Deemed personal property**

**Subscriptions how received.** Sec. 3. Be it further enacted, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper; and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose three directors; and such election shall be made at the time and place appointed by such of the

**Notice to stockholders.** stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual elections of said corporation, shall as soon as may be, after every election, choose out of their own number, a President; and in case of the death, resignation, or removal of the President, or any director, such vacancy or vacancies, may be filled for the remainder of the year, wherein they may happen, by the said board of directors, or a majority of them; and in case

**Election of officers.**

of the absence of the President, the said board of directors, or a majority of them, may appoint a President pro tem, who shall have such powers and functions as the by-laws of the said corporation may provide.

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Sec. 4. Be it further enacted, That in case it should happen that an election of directors should not be made on the day, when pursuant to this act it ought to be made, the said corporation shall not, for that cause, be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Directors to act until others are chosen.

Sec. 5. Be it further enacted, and it is hereby declared, That the objects and purposes of this incorporation, and to which their powers are to be restricted as aforesaid, are the manufacture of Cotton, Wool, and other materials, into thread, yarn, or cloth, or other manufactures of like character, and the building and erection of works and machinery necessary to carry on the operations of such manufactory.

Objects of Incorporation.

Sec. 6. Be it further enacted, That the directors of the said company shall settle the books and accounts of said corporation at least once a year, and submit a detailed statement of the transactions and affairs thereof to the stockholders at their annual meeting, and declare such dividend of the actual profits thereof, as the condition of the said company may justify; and the stockholders shall have power to make such by-laws for the government of the said company, as they may deem proper, not inconsistent with this charter or the laws of the Territory of Florida.

Accounts how often to be settled.

Sec. 7. Be it further enacted, That each share of the capital stock of said company shall be entitled to one vote on all questions to be decided by the stockholders and all elections.

Each share entitled to one vote.

Sec. 8. Be it further enacted, That this act shall remain in force for the term of fifty years from and after its passage.

Passed February 11th, 1835.

Approved February 14th, 1835.

CHAP. 831. [No. viii.] An Act to amend An Act, entitled An Act, to incorporate the Subscribers to the Union Bank of Florida.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, that so much of the 16th sec. of the above recited Act as directs that notice of the time and place of holding the annual election of directors of said Bank, shall be advertised in all the newspapers printed in Florida; and so much of the 32d section of the same Act as requires "that

Part of the 16th and 32d sect. repealed.

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the board of directors of said Union Bank, shall within six months after going into operation, establish agencies or branches of said institution in St. Augustine, Pensacola, and Marianna," shall be, and the same is hereby repealed. Provided however, that if at any time hereafter the capital stock of said Bank shall be enlarged as by the charter is allowed, it shall be the duty of the said Bank to cause books of subscription to be opened at the places named in E. Florida for opening books, contained in the original charter, and if stock shall be subscribed, it shall thereafter be obligatory to establish a branch in East Florida according to the requirements of the said charter.

Agencies how  
governed.

Sec. 2. Be it further enacted, That so much of the said 32d section of the above recited Act as requires that the agents or branches authorised to be established by the said Bank, "shall be managed by a President and six directors, and that they shall be stockholders," be, and the same is hereby repealed.

Dividend in  
what cases de-  
clarable.

Sec. 3. Be it further enacted, That upon any shares in the capital stock of said Bank, which shall be paid up in money, the board of directors may declare dividends not exceeding eight per centum per annum, and the board of directors shall have power and authority to cause books for the transfer of shares thus paid, to be opened in the city of New York, or elsewhere, under the superintendence of such agent or agents, and subject to such rules and regulations as they may prescribe.

A quorum h'w  
constituted.

Sec. 4. Be it further enacted, That the stockholders in general meeting shall have power and authority to designate what number of the directors appointed by the Legislative Council, and elected by the stockholders, not less than five, shall be sufficient to constitute a board for the transaction of the business of the said Bank.

Sec. 5. Be it further enacted, That all parts of the above recited Act, inconsistent with the provisions of this Act, be, and the same are hereby repealed.

Passed February 14th, 1835.

Approved February 14th, 1835.

CHAP. 832. [No. ix.] An Act, to amend An Act, entitled An Act, to incorporate the Florida Peninsula and Jacksonville Rail Road Company, Approved February 15th, 1835.

Capital stock  
\$1,000,000.

Books to be  
opened.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the capital stock of said company shall not amount to more than one million of dollars, to be divided into shares of one hundred dollars each;—that books of subscription shall be again opened for receiving sub-



scriptions to the said capital stock, under the superintendence of commissioners hereinafter named, any two or more of whom shall be competent to perform the duties at each of the places following, to wit:—at St. Augustine, under the superintendence of John Gray jr. Antonio Alvarez, R. B. Gibbs, Saml. Blair, and W. H. Simmons, or any two or more of them; at Jacksonville, under the superintendence of I. D. Hart, James Dell, W. J. Wells, Stephen Eddy, and J. B. Lancaster, or any two or more of them; at Monticello, under the superintendence of D. Williams, James B. Mays, Joseph McCants, A. Bellamy, and Wm. Blackburn, or any two or more of them; at Tallahassee, under the superintendence of Romeo Lewis, Charles Austin, R. J. Hackley, Wm. Wilson, and T. R. Betton, or any two or more of them.

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At St. Augus-  
tine.

Jacksonville.

Monticello.

Tallahassee.

Sec. 2. Be it further enacted, That it shall be lawful to open books of subscription at such of the aforementioned places at any time within four months from the passage of this act, and said books shall be kept open until the first day of August next, when if there be four hundred thousand dollars of the capital stock of said company subscribed, it shall be lawful for said subscribers to organize a board of directors by an election to be held at Jacksonville for that purpose, thirty days previous notice of said election being first advertised in the papers printed at Jacksonville and Tallahassee, by order of the commissioners acting at Jacksonville under the authority of this act.

To be kept  
open until the  
1st Aug.

Directors,  
when chosen.

Sec: 3. Be it further enacted, That the board of directors for the management of the concerns of this company shall be thirteen in number, who shall have power to fill all vacancies occurring by death, resignation, or otherwise, in their body, by election, from among the stockholders, or the members of the board of directors for the time being, a majority of all the directors in office, being required to concur in such election: Provided, however, and it is expressly enacted, that the term of office of any director so chosen shall determine at the time when, by any general election of the stockholders, another shall be chosen in his place.

Number and  
power of Di-  
rectors.

Sec. 4. Be it further enacted, That a general election for directors shall be held at Jacksonville by the stockholders on the first Monday in March in each and every year, after the organization of the first board, under this charter, and no previous notice shall be required of the time or place of holding said election; immediately after the first election of directors under this charter, or as soon thereafter as practicable, they shall meet and choose one of their body President, and no election for President shall be valid unless a board of seven or more members be present at such election, and that a majority of all who may be present agree in the election of the officers; and provided also, that after any general election by the stockholders a President shall be elected in the manner in this section provided for.

Election of Di-  
rectors.

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Commissioners to make report.

Sec. 5. Be it further enacted, That on the first day of August next it shall be the duty of each board of commissioners hereby appointed to transmit, by mail, to the board of commissioners at Jacksonville, a transcript of the subscriptions contained on their respective subscription books, with the name of the subscriber and the amount of his or her subscription.

Comm'rs. at Jacksonville, their duties.

Sec. 6. Be it further enacted, If it shall appear to the commissioners at Jacksonville, after the receipt of the books, or transcript therefrom of the various boards of commissioners herein appointed, that the sum of four hundred thousand dollars has been subscribed, they shall immediately give thirty days notice in a newspaper published at Jacksonville and one at Tallahassee, that an election will be held by the stockholders at Jacksonville, for the purpose of electing thirteen directors, for the management and direction of the concerns and business of the said company, and such election shall be held accordingly, and the persons so elected shall hold their offices until their successors be elected and duly qualified.

Books to be opened to complete subscriptions.

Sec. 7. Be it further enacted, That if it shall appear at the time appointed in the 5th section of this act, that less than the sum of four hundred thousand dollars shall have been subscribed, said commissioners at Jacksonville may cause books for the purpose of receiving subscriptions for the residue, or any part thereof of said capital stock, to be opened at any place or places in the United States at their discretion, and closed at their pleasure; provided that at any time when it shall be ascertained that the said sum of four hundred thousand dollars shall have been subscribed herein before provided for, it shall be lawful forthwith to order the first election of directors herein required, and thenceforth all the powers of said company, or of any of the boards of commissioners herein conferred shall be vested in the directors so chosen.

Existing subscribers to have preference.

Sec. 8. Be it further enacted, That the subscribers for stock heretofore subscribed shall have a prior right to appropriate so much of said stock as they or any of them have heretofore subscribed, and to subscribe anew that amount.

Instalments, when and how required.

Sec. 9. Be it further enacted, That whenever a board of directors shall be organized under the provisions of this charter, said board shall have a right at such time as they shall appoint, not less than thirty days, to require a payment from the stockholders after the rate of one dollar on each share subscribed, and the residue shall be paid in such instalments and at such times as the directors shall require, Provided no call shall be made at any time upon less than thirty days notice, published in a news paper in East Florida and one in Middle Florida, nor shall any one call exceed five dollars on the share.

Forfeiture of Stock.

Sec. 10. Be it further enacted, That a failure to pay any instalment, legally called by the directors of said company, shall work a forfeiture in favor of the company of the share, or shares, on which such failure shall or does take place.

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Sec. 11. Be it further enacted, That so much and no more of the act to which this is an amendment, as is inconsistent with the provisions hereof, be, and the same is hereby repealed. Repealing clause.

Passed February 13th, 1835.

Approved February 14th, 1835.

CHAP. 833. [No. X.] An Act to amend an act to incorporate the town of Jacksonville.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the boundary line of the incorporation of the town of Jacksonville, shall be extended agreeably to the following lines, begining at the mouth of McCoy's creek, on St. John's river, running thence up said creek to a point on said creek opposite to John W. Richard's sugar house; thence, from said creek by a line running due north so as to include said sugar house to the main road leading to St. Mary's river; thence, by a straight line, to Hogan's creek, at the point where Sweet-water branch empties into said creek; thence, with the meanders of said creek, down the same to the mouth; thence, by a line due south, to the south bank of the river St. John's; thence, up the bank of said river, to Hendrick's Point; thence, across the river, to the point of beginning. Incorporation. Limits.

Sec. 2. Be it further enacted, That all free male inhabitants over the age of twenty-one years, residing within the limits of said corporation three months, immediately previous to any election, shall be entitled to vote for Mayor and Aldermen. Right of suffrage.

Passed, February 10th, 1835.

Approved, February 14th, 1835.

CHAP. 834. [No. XI.] An Act to incorporate the Pond creek and Black-water River Canal Company.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Joseph Forsyth, Ezekiel E. Simpson, and Timothy Twitchell, and their associates, who may become subscribers as hereinafter mentioned, and their assigns and successors shall be and are hereby constituted a body Incorporation.



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corporate, by the name of "The Pond creek and Black-water River Canal company," and as such, shall be capable in law to purchase, receive, enjoy, and hold property, real and personal, of all kinds soever necessary to carry into effect the objects of said corporation as hereby declared, and the same to grant, sell, mortgage, and dispose of, and to sue and besued, plead and be impleaded, in all courts, by their said corporate name as other corporations in this Territory, and to make a common seal and alter the same at pleasure, and to ordain and establish all by-laws, rules, and regulations, not inconsistent herewith or the other statutes of this Territory, or the constitution of the United States and acts of Congress.

Capital Stock  
\$10,000 to be  
increased to  
\$30,000

Sec. 2. Be it further enacted, That the capital stock of said company shall be ten thousand dollars, in shares of one hundred dollars each, with the privilege of increasing the same, if necessary, to thirty thousand dollars; and subscriptions for said stock shall be opened at the city of Pensacola, on the third Monday in March next, under the superintendence of said Joseph Forsyth, Ezekiel E. Simpson and Timothy Twitchell or any two of them as commissioners, and be kept open for ten days; and each subscriber shall pay twenty five cents per share at the time of subscribing, and if an excess of subscription is made the same shall be sealed, or reduced *pro rata* among all the subscribers, by said commissioners, on the expiration of said ten days, and said commissioners shall have the same privilege of subscribing as other persons.

Excess of sub-  
scriptions re-  
duced *pro rata*

Directors how  
chosen.

Sec. 3. Be it further enacted, That on the first Monday in April next, the subscribers who have paid said twenty-five cents on each share, shall choose from themselves five Directors who shall select a President and Treasurer for said corporation and such other officers as may be necessary; and the corporation shall be then considered as fully organized; and the said commissioners shall forthwith pay over the subscriptions to the Treasurer of said corporation.

Each share en-  
titled to 1 vote

Sec. 4. Be it further enacted, That in all elections and on all questions decided by the stockholders each share shall be entitled to one vote; and the stockholders shall ordain and establish as empowered in the first section hereof, all rules, regulations and by-laws, for the government of said corporation, and the Directors and other officers thereof, and to fix the rate of tolls; and the Directors may make further by-laws, not inconsistent herewith, for their own government; and said Directors shall serve one year or until others are elected in their stead, according to such by-laws and regulations as the stockholders may ordain as aforesaid.

Object of in-  
corporation.

Sec. 5. Be it further enacted, That the objects and purposes of this incorporation are the excavation and making of a canal to connect the waters of Pond creek with those of Black-water river, in the county of Escambia, so that the same may be made navigable; of such dimensions and depth; and with such

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gates, locks, and other works; and from and to such points, on said creek and said river, as said corporation shall deem expedient,—and said corporation is hereby given power and authority to enter upon and take, and use any land, over, or on which it may be necessary to make said canal, or within fifty feet thereof, and make excavations, fell trees, and take and use any earth, stone or other materials there, being necessary to construct said canal or the works appurtenant thereto; said corporation making compensation to the owners of such private land, to be ascertained by a jury of twelve men, upon a writ of *ad quod damnum*, to be issued by the judge of Escambia county, directed to the sheriff of said county, on the application of the party injured, upon a trial, in such manner as said judge may direct.

Sec. 6. Be it further enacted, That the said Directors shall have power to call in instalments of said subscriptions not exceeding ten dollars during any sixty days, on giving public notice thereof, and on failure of any subscriber to pay the same, to institute suit therefor, in the name of the company, and recover the same by action of debt in any court having competent jurisdiction; and no transfer of shares shall be made unless the transfer shall be approved of by the Directors, and the transferee shall give a promise, in writing, to pay all future instalments on which a like action may be brought.

Sec. 7. Be it further enacted, That this act shall continue in force twenty-five years and until repealed.

Passed, February 13th, 1835.

Approved, February 14th, 1835.

CHAP. 835. [No. xii.] An Act to amend the several Acts incorporating the Town of Apalachicola.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That so much of the act incorporating the town of Apalachicola, as gives to the said Town Council the power of regulating Auctioneers and Auctions, be, and the same is hereby repealed; and all appointments of Auctionneers made by the said Town Council, are hereby declared to be null and void, and hereafter it shall not be lawful for any person to exercise the duties of Auctioneer within the corporation limits of the said town of Apalachicola except such persons as have been regularly appointed by the Governor and Legislative Council.

Right to regulate Auctioneers annulled.

Soc. 2. Be it further enacted, That so much of the "Act to amend the several Acts incorporating the town of Apalachicola, and for other purposes," passed February 15th 1833, and

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Intendant to  
be *ex officio*  
Justice of the  
Peace.

approved February 16th, 1833, as divests the Intendant of the town of Apalachicola of the powers of a Justice of the Peace, be, and the same is hereby repealed, and that hereafter the said Intendant shall have the power, and exercise all the duties of a Justice of the Peace within the corporation limits of the said town of Apalachicola, and shall be entitled to charge and receive the same fees as are allowed to Justices of the Peace in this Territory.

Passed February 9th 1835.

Approved February 14th, 1835.

CHAP. 836. [No. xiii.] An Act to incorporate the Bank of Jacksonville.

Incorporation.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That a bank shall be established at Jacksonville, by the name and style of the Bank of Jacksonville; the capital stock thereof not to exceed seventy-five thousand dollars, divided into shares of one hundred dollars each.

Books of subscription to be opened.

Sec. 2. Be it further enacted, That books, for receiving subscriptions of stock in said bank, on giving thirty days' previous public notice thereof, shall be opened on or before the 10th day of May next, in the town of Jacksonville, under the superintendence of Wm. J. Mills, Milo K. Pinckston, William Rider, Stephen Eddy and Isaiah D. Hart, and said books shall be kept open until the whole amount of said stock shall be subscribed.

Twenty-five per cent required.

Sec. 3. Be it further enacted, That before issuing any bills or before the bank goes into operation, twenty-five per cent. shall be paid in, on the amount of each share, in specie, United States' bills, or the bills of specie paying banks.

Notice of further instalment

Sec. 4. Be it further enacted, That after the whole amount of stock shall have been subscribed for, and twenty-five per centum paid in, on the same, the said commissioners shall give notice thereof, in all the newspapers printed in the Eastern District of Florida, for the space of thirty days, calling upon the stockholders for a further instalment of twenty-five per centum, to be paid in gold or silver, and upon receipt thereof, they shall make affidavit before the judge of the county court of Duval county, that the sum of thirty-seven thousand five hundred dollars has been paid in; which affidavit shall be published in a newspaper in the town of Jacksonville, and it shall be the duty of the commissioners aforesaid, at the expense of the subscribers, to exchange that part of the subscription made in the bills of specie paying banks, into gold or silver.



Sec. 5. Be it further enacted, That upon the receipt of the fifty per centum as aforesaid, and its conversion into gold or silver, it shall be the duty of the said commissioners to give twenty days' notice to the stockholders to meet for the choice of five Directors; and the said Directors, then and there chosen, shall be capable of serving one year from the date of said election, or until their successors are appointed; and the Directors thus elected, shall at their first meeting, choose from their body a President, whereupon they shall commence the operations of the said bank; and the annual election for Directors shall take place on the first Monday in January in each and every year: Provided, nevertheless, that should it at any time happen, that an election for Directors should not be made upon any day, when pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but said election may take place at any time thereafter.

1-35.

Election of Directors.

To choose a President.

Sec. 6. Be it further enacted, That the stockholders to the said bank, their successors and assigns, shall be, and they are hereby created a body politic and corporate, by the name and style of the Bank of Jacksonville; and shall so continue until the first day of January, one thousand eight hundred and sixty, and by the name and style aforesaid, shall be, and are hereby made capable in law, to have, purchase, receive, and enjoy, and retain to themselves and successors, lands, rents, tenements, hereditaments, goods chattels, and effects, so far as may be necessary to the use of said bank, and so far as may be received and purchased by said bank in satisfaction or security of any debt due the same; and the same to grant, demise, alienate or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or in any other place whatever; and also to make, use, and have a common seal, and the same to break, alter and renew at their pleasure, and also, to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this Territory and of the United States.

Bank of Jacksonville.

Limitation of Charter.

Powers and Privileges.

Sec. 7. Be it further enacted, That the Directors of the bank for the time being, shall have power to appoint a cashier and such other officers as may be deemed necessary to the use of said corporation, and to allow said cashier and other officers such compensation as may be reasonable.

Directors to appoint Cash'r

Sec. 8. Be it further enacted, That each share may be represented by a vote, and any stockholder may appoint another his or her proxy, under his, or her hand and seal, who shall have and exercise all the rights and powers which said stockholder could have had and enjoyed.

Votes may be given by proxy

Sec. 9. Be it further enacted, That the stockholders shall be bound both in their corporate and individual capacity for the ultimate redemption of all the issues and debts of the bank.

Stockholders how liable.

1835.

Rate of interest allowed.

Sec. 10. Be it further enacted, That the said bank shall be allowed to demand and receive interest on all paper discounted, and all monies loaned, at the rate of eight per centum per annum and no more, under a penalty of a forfeiture of the charter.

Notes of other Banks in offset

Sec. 11. Be it further enacted, That when any other bank, company, or corporation shall apply at this bank and demand specie payment of the bills, or notes which said bank company or corporation may hold on this bank, the said notes or bills may be paid off in notes or bills which this bank may hold upon such bank, company, or corporation; and the cashier of this bank may demand an oath in writing, of the person presenting said bills or notes for payment, that such bills or notes, so presented for payment are not the property of any banking company or corporation.

Limitation of issue.

Sec. 12 Be it further enacted, That the President and Directors shall not at any time be authorised to issue a greater amount than three times the amount of specie actually in the vault of said bank.

Further instalments, how required.

Sec. 13. Be it further enacted, That upon application for that purpose, from persons holding two thirds of the stock in said bank, the Directors for the time being, on giving three months' notice, may require a further instalment on said stock, of twenty-five per centum; but this demand shall not be made, unless by consent of all the stockholders, more than once in twelve months; and that if any person or persons fail to pay for stock by them subscribed, when said instalment is required, the President and Directors may pass an order forfeiting all payments that may have been made by said stockholders.

Bills redeemable at Bank.

Sec. 14. Be it further enacted, That the bills of the bank shall be redeemable at the banking house, during office hours, on demand, in gold or silver.

Taxes.

Sec. 15. Be it further enacted, That said bank stock, shall pay the same rate of tax as is now, or may hereafter be imposed, on the stock or profits of other banks in this Territory.

Bond of Cash'r.

Sec. 16 Be it further enacted, That the cashier shall be required to give bond and security in the sum of seven thousand dollars, for the faithful performance of his duty.

Sec. 17. Be it further enacted, That this act shall be in force from and after its passage.

Penalty for non payment.

Sec. 18 Be it further enacted, That on failure to redeem its bills in specie, during the office hours of the bank, on demand therefor, the charter shall be forfeited and the Governor may appoint three receivers who shall be authorised to take the effects of said bank, and as soon as practicable thereafter, to wind up its affairs; and in such event, it shall be the duty of said receivers to apply the assets of said bank in a rateable proportion between the whole of its creditors.

Annual statement to be made.

Sec. 19. Be it further enacted, That the President and Cashier of said bank, shall make an annual statement to the Govern-

of this Territory, on the first day of the session of the Legislative Council in every year, stating the precise situation of the bank; the amount of specie actually in the vault on that day; and also a full account of all other notes, bills of exchange, and all other securities whatever due to, or owing by said bank, and the said President and Cashier shall, at the time, state positively, on oath, that the statements so made are just and true, and that the amount so stated to be in the vaults of said bank, is not in stock notes, and the statement, so made and sworn to, before any justice of the peace of the county, shall be forwarded to the Governor of the Territory to be by him laid before the Legislative Council within the first week of its succeeding session.

1835.

Passed, February 10th, 1835.

Approved, February 14th, 1835.

RECEIVED

CHAP. xiv. [No. 837.] An Act to revive and amend an act, entitled an act to incorporate a company, entitled the Wascissa and Auscilla Navigation Company.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That an act, entitled, an act to incorporate a company entitled, the Wascissa and Auscilla Navigation Company, passed, February 3d, 1831, is hereby re- Act revived.  
vived except such parts thereof as by the present act are altered and amended.

Sec. 2. Be it further enacted, That the names of Daniel Bird and Achille Marat be substituted in the first section for those of Samuel Prioleau and Abraham J. Cabell, since deceased.

Sec. 3. Be it further enacted; That the fourth section of the said act shall henceforward read as follows: that the said com- 4th Section  
pany shall have the right to clear and make the said Wascissa amended.  
and Auscilla rivers navigable for boats drawing not less than eighteen inches of water, from the head of the Wascisse to the Gulf of Mexico, the rest of the section without alteration.

Sec. 4. Be it further enacted, That the eleventh section of 11th Section  
said act is hereby repealed. repealed.

Sec. 5. Be it further enacted, That this charter of incorporation shall be forfeited, if after three years from the date of the passage of this bill, the said company has not begun the improvement of said rivers, or if after such time it has abandoned such improvements after beginning them. Limitation:

Passed, 4th February, 1835.

Approved, 9th February, 1835.



1835.

CHAP. 835. [No. xv.] An Act to incorporate the Methodist Episcopal Church in St. Augustine.

*Incorporation.* Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Joshua Joyner, Chancy Willard, James L. Belin, George Petty, Nicholas Morgan, Michael Slown, H. H. Holiman, Wm. Bearden, and William Mills, and their successors in office, shall be, and they are hereby declared to be a body corporate, by the name and style of "the Trustees of the Methodist Episcopal Church in the City of St. Augustine," called "Bethel Church," and that the said Joshua Joyner, C. Willard, J. S. Belin, Geo Petty, N. Morgan, Michael Slown, H. H. Holiman, Wm. Bearden, and Wm. Mills, and their successors in office, shall be invested with all manner of property both real and personal, and shall have full power to sell, and dispose of, and transfer the same, with all moneys due, or to grow due. donations, gifts, hereditaments, privileges and immunities whatever, which may belong to the said Church; and all monies that have been or may hereafter be given, granted, or conveyed, or transferred, for rebuilding the said church, or for building a new church in the city of St. Augustine, to have and to hold the same for the proper use and behoof of the said church: and the said trustees and their successors in office shall be, and they are hereby declared to be capable of suing and being sued, of using all necessary legal steps for recovering and defending any property whatever which the said church may hold, claim, or demand, and is herein secured or otherwise: and also with power to make all necessary regulations and rules, and to receive in their own name or otherwise as well the said money as other property, with all rents, issues, and profits of the same, or of any lands, moneys, or other estate belonging thereto, or any part thereof.

*Privileges.*

*vacancies how filled.* Sec. 2. Be it further enacted, That in case of vacancy by death, removal, or resignation, it shall be the duty of the remaining trustees to elect a suitable person, or persons, to fill said vacancy, who shall be and are hereby declared to be vested with all necessary powers to carry the purposes intended by this act, fully into effect.

*May hold 40,000.* Sec. 3. Be it further enacted, That if at any time, the property owned by the said church shall exceed the sum of forty thousand dollars, such excess shall accrue to, and become the property of, and be invested in this Territory.

Passed January 12th, 1835.

Approved January 13th, 1835.

CHAP. 839. [No. xvi.] An Act to incorporate the St. Augustine Wharf Company.

1835.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the said company be, and the same is hereby made a body corporate, by the name and style of the "St. Augustine Wharf Company," and by that name, all who now are, or hereafter shall become subscribers and members of said company and their successors and assigns shall be capable in law to purchase, receive, enjoy and retain to them, and their successors, lands and tenements, goods, chattels, and effects, of what kind soever, and the same to grant, sell, mortgage and dispose of, to sue, and be sued, defend and be defended; to make and use a common seal, and at pleasure to break or alter the same, to ordain, establish, and put in execution such by-laws, rules and regulations as may be deemed necessary and expedient for the government of said body corporate: Provided they be not contrary to the constitution and laws of the United States, or the laws of the Territory.

Incorporation.

Powers and privileges.

Sec. 2. Be it further enacted. That the capital stock of said company shall consist of three hundred shares of ten dollars each: Provided, that the said company shall have power, by vote of two thirds of all its members to increase the number of shares to five hundred, and the capital stock to five thousand dollars.

Capital Stock.

Sec. 3. Be it further enacted, That to manage the affairs of said company a board of Directors shall be appointed by the stockholders, at an election to be held on the first Monday of December, in each and every year, between the hours of 10 o'clock, A. M. and 2 P. M. at such place, and under the superintendence of such persons as the Directors of said company, for the time being, may appoint.

Election of Directors.

Sec. 4. Be it further enacted, That no person shall be eligible to the office of Director in said company, who is not a permanent resident of the city of St. Augustine, and a stockholder to the amount of five shares.

Directors to reside at St. Augustine.

Sec. 5. Be it further enacted, That in voting for Directors, each stockholder shall be entitled to one vote for each and every share, which he, she, or they may own, and shall have the right of voting by proxy, the said proxy being a stockholder.

Each share entitled to one vote.

Sec. 6. Be it further enacted, That each and every Director of said company shall, before entering upon the duties of his office, take and subscribe the following oath or affirmation, (to wit:) "I A B do solemnly swear (or affirm, as the case may be,) that I will, to the best of my ability, perform the duties of a Director of the St. Augustine Wharf Company, so long as I may continue in office as such Director," which oath, shall be administered by one of the Directors of the preceding board of Directors (who is hereby authorized to administer the same, whether he be re-elected or not) or by a justice of the peace,

Oath of office.

1835.

and as soon as qualified, the newly elected board of Directors shall enter upon the discharge of the duties of their office, and shall within a convenient time proceed to appoint a President and Treasurer of said company from their own body.

Directors pro  
tem.

Sec. 7. Be it further enacted, That until the next election of said company, Thomas Douglas, Andrew Anderson, Peter B. Dumas, Venancio Sanchez and James Hanson, shall be, and they are hereby constituted a board of Directors to manage the affairs of said company, of which the said Thomas Douglas shall be President, and the said Peter B. Dumas, Treasurer.

Treasurer.

Sec. 8. Be it further enacted, That the said board of Directors and their successors in office shall have full power and authority to make by-laws, rules and orders, for the appropriation and disposition of the funds of said company, which now are or may hereafter be in the hands of the Treasurer of said company; to fix the compensation of said Treasurer, who shall be the only person in the board of Directors to whom compensation shall be now or hereafter allowed for services performed as Director, and who in consideration of such compensation as may be allowed to him, shall give bond with good and sufficient security, to be approved by the board of Directors in the sum of two thousand dollars, conditioned for the faithful discharge of his duties as such Treasurer, and shall moreover be as Secretary of said board of Directors and of said company.

To give Bond.

Powers of Di-  
rectors.

Sec. 9. Be it further enacted, That the said board of Directors and their successors as aforesaid shall also have the power to fix the rates of wharfage, appoint, and dismiss their agent or agents and all such other persons as the interest of the company may require in their service; to fix their salaries or compensation, to declare dividends amongst the stockholders, and to manage generally the affairs of the company, and shall hold their offices until their successors shall be elected and qualified; but any wharf, erected and established, or to be erected and established within the limits of the city of St. Augustine shall be subject to the ordinances and by-laws of the corporation of said city, and especially shall be so subject as to the rates of wharfage, charged, or to be charged for the use of any of such wharf.

Vacancies,  
how filled.

Sec. 10. Be it further enacted, That all vacancies which may occur in said board of Directors by death, resignation, removal, or otherwise, shall be filled by a general election of the stockholders, of which, it shall be the duty of said board of Directors to give, at least, ten days' notice, signed by their President or Treasurer, specifying the time and place at which such election is to be held, and to appoint suitable persons to superintend the same.

Accounts to  
be Audited by  
Directors.

Sec. 11. Be it further enacted, That no money shall be drawn from the treasury of said company unless the account for the payment of which the same shall be drawn, shall have been approved and audited by the Directors or a majority of them.

Sec. 12. Be it further enacted, That no Directors of said



company shall be entitled to vote upon any contract in which he may be concerned or engaged with the company, or upon any question which may arise in relation thereto, or be an inspector of any work in which he may have been concerned or interested as aforesaid.

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Sec. 13. Be it further enacted, That the said board of Directors may, at any time, call for the sum of one dollar and not more upon each and every share of capital stock of said company by giving, at least, ten days' previous notice thereof, signed by their President or Treasurer, and if the said sum shall not be paid at the time appointed, in such notice, the stockholder, failing to pay the same, shall forfeit each and every share on which the same shall not be paid at the expiration of the said ten days' and all the money heretofore paid on each of said shares shall become the property of, and inure to the use of the residue of the stockholders.

Installments,  
how required

Sec. 14. Be it further enacted, That this act shall be liberally constructed for the benefit of said company and for the purpose of carrying into effect the objects thereof.

Act to be liberally construed

Passed, January 26th, 1835.

Approved, January 29th, 1835.

CHAP. 840. [No. xvii.] An Act, to repeal An Act, entitled An Act to incorporate the City of Key West.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Act to incorporate the city of Key West, passed 23d day of January, 1832, be, and the same is hereby repealed.

Act of 1832  
repealed.

Sec. 2. Be it further enacted, That all the money which has been collected by the Mayor and Aldermen before the passage of this act, in any manner whatsoever, or which may be collected by them after the passage of this act, for taxes levied by them, or for debts due for property sold in said incorporation by them, shall be paid over by the said Mayor and Aldermen, or their officers, to the Justices of the Peace in said City, to be by them appropriated for the improvements of said City, in any manner which they the said Justices may deem most proper for that object; and the said Justices shall demand from the Mayor and Aldermen of said City, and their officers, all the books, accounts, and vouchers, showing the amount of taxes collected by them, and of all money received by them; and upon refusal being made by any of them, the person so refusing to comply with this law, shall be fined for every refusal the sum of fifty dollars to be recovered forthwith before any justice of the peace

Funds in hands  
of Corporation  
to be paid over  
to Justices of  
the Peace.

1835.

in the County, who shall immediately give judgement on application therefor. and all fines collected as aforesaid shall be applied to the purposes of improving the said city.

Sec. 3. Be it further enacted, That no taxes other than Territorial or County taxes shall be collected within the limits of said city, after the passage of this act.

Passed January 24th, 1835.

Approved January 29th, 1835.

CHAP. 841. [No. xviii.] An Act conferring additional powers on the Corporation of the City of St. Augustine.

Power to protect Groves, fruits, &c. conferred.

Punishment for offences.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Council of the City of St. Augustine, composed of the Mayor and Aldermen of said city, shall have power to pass all needful laws and ordinances for the preservation and protection of groves, gardens and fruit trees, fruit, plants and vegetables growing, or being within the limits of said City; and to provide for the punishment of any trespass, injury or depredation committed upon, or in respect to the same or any of the same; but in case of free persons, the penalty imposed shall be a fine for any one offence, not exceeding ten dollars, to be enforced, with costs of prosecution, in such manner as the Council of said City may by law direct. But in case of a slave, the punishment may be by stripes, for any one offence, not exceeding ten: but any person having authority over, or in any respect to such slave, may redeem him from the infliction of stripes, by the payment of a pecuniary fine, not exceeding ten dollars, to be assessed, made known, and paid within such time and in such manner as the Council of said City may by law direct and the owner or master of any slave, convicted of such offence, shall be liable for the costs of prosecution, in such manner as the Council of said City may by law direct.

Passed January 31st, 1835.

Approved February 4th, 1835.

CHAP. 842. [No. xix.] An Act to revive and amend An Act entitled "An Act to incorporate the Town of Monticello in Jefferson County."

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That An Act, entitled An Act,

to incorporate the Town of Monticello in Jefferson County, passed the 4th of February 1831, and approved February 10th, 1831, be, and the same is hereby revived and declared to be in force until repealed.

1835.

Act of 1831  
revived.

Sec. 2. Be it further enacted, That the limits of said Town shall be, and extend one half mile in every direction from the centre of the Town. Limits of corporation.

Sec. 3. Be it further enacted, That hereafter the annual elections under said Act, for Intendant and Council men, shall be on the second Monday in January : Provided, the Intendant shall have the right to appoint some other day if advisable for said election within one month after said second Monday aforesaid, he giving one week public notice thereof in writing, at the Court House door. Election of Intendant.

Sec. 4. Be it further enacted, That John McLemore be, and he is hereby appointed Intendant, and he is authorised to act until the next annual election in 1836, and George Y. Warner, Benjamin F. Melichamp, John D. Parish, James M. Scott, Wm. H. Mathers jr., Jno. M. Palmer, and Daniel S. Graham, are hereby appointed Council men, with power to act as such until the next annual election : Provided, also, that if said Intendant, or either of the Council men, shall refuse to act, then a majority of those who do act, shall be authorised to fill such vacancy. Intendant pro tem.

Sec. 5. Be it further enacted, That the Intendant shall in all cases in which he may deem it advisable in the discharge of his duties, call upon any two of the Council men to sit with him, and in such case a majority of the Council shall govern.

Sec. 6. Be it further enacted, That this Act shall be in force from and after the date of the passage thereof. And all other Acts, or parts of Acts inconsistent with this Act, be, and the same are hereby repealed. Repl'ng clause

Passed January 24th, 1835.

Approved January 29th, 1835.

CHAP. 843. [No. xx.] An Act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the capital stock of the bank of Pensacola is hereby allowed to be increased to the sum of two millions five hundred thousand dollars, to be held in shares of one hundred dollars each, in the same manner as prescribed in the acts incorporating said bank; and to enable said Capital stock increased to \$2,500,000.



1835.

increased stock to be subscribed for, the Directors of said bank are authorised to open books of subscription for additional shares at the banking-house of said bank in Pensacola, under the superintendence of the cashier of said bank, at such time as said Directors may appoint; and the additional stockholders shall be entitled to all the privileges and benefits, and subject to all the liabilities and obligations of the original subscribers, or other stockholders of said bank, under the original charter, and the amendments thereto.

Directors may  
establish agen-  
cies.

Sec. 2. Be it further enacted, That said board of Directors shall have the power to establish, one or more branches, at such places in West Florida, as they may deem expedient, and with such sub-directors and other officers as a majority of the said Directors may appoint; under such rules and regulations, and in vesting said officers with such powers as said majority may prescribe, not inconsistent thereto, or to such other laws as are, or may be enacted respecting said bank; and also to issue notes and other liabilities, payable at such branches as may be deemed expedient.

May purchase  
stock of Rail  
R. Company.

Sec. 3. Be it further enacted, That the bank of Pensacola shall be authorised to purchase any shares of the stock of the Alabama, Florida, and Georgia Rail Road Company, which are or may be subscribed for, and to subscribe for other shares therein, according to the stipulations of the charter of said Alabama, Florida, and Georgia Rail Road Company, to such amount as the Directors of said bank may deem expedient; and to have all the privileges and immunities of stockholders, and by its duly constituted agent or agents, to vote and act as such to all intents and purposes, and effects, the same as an individual stockholder could, or might do; and in all cases where, by the charter of said company, it is requisite that officers shall be stockholders, the Directors of said bank shall be eligible to offices in said company in right and by virtue of the stock held and owned by said bank therein as aforesaid.

May issue  
bonds for 500,-  
000 dollars.

Sec. 4. Be it further enacted, That to enable the bank to purchase or subscribe for such stock, the said bank is hereby authorised forthwith to issue its bonds, payable to the Territory of Florida, for a sum not exceeding five hundred thousand dollars; which said bonds shall be for the sum of one thousand dollars each, and shall bear an interest from the date thereof, at the rate of six per cent. per annum, payable semi-annually, at such place or places within the United States or this Territory as may be deemed most expedient; and said bonds to be payable after the first day of January, 1860, and when it shall be satisfactorily made to appear to the Governor of this Territory, that said bank has so purchased or subscribed for such stock as aforesaid, and on presentation of such bonds to the Governor of this Territory, he shall endorse upon so many thereof as may be equal the amount to be paid for the stock so purchased or subscribed as aforesaid, the following endorsement, viz:

## TERRITORY OF FLORIDA:

In pursuance of the laws of this Territory, the within bond is hereby assigned and made payable to the bearer thereof, and the payment thereof, and of the interest thereon as within stipulated, is hereby guaranteed by the Territory of Florida, and the faith of the Territory is pledged for the redemption thereof.

1835.

Certificate of  
Governor.

{ SEAL OF THE  
TERRITORY. }

Given under my hand and the Great  
Seal of said Territory at the Executive Office, this            day of  
183            and of  
the Independence of the United  
States            year.

By the Governor.

Secretary.

Governor of Florida.

and which bonds shall be attested by the Secretary, and the seal affixed thereto without fee, and the Governor shall thereupon deliver the same to the said bank, in order that by the sale thereof, said bank may be enabled to pay for such purchase or subscription as aforesaid, and the delivery of said bonds to the purchaser by said bank shall entitle such purchaser to hold the same, and demand and receive the principal and interest thereon when due, as the assignee of the Territory as aforesaid: Provided however, that no sale of any of said bonds shall be valid, if made for less than the amount of principal and interest specified therein, nor shall any purchase of stock be made for more than its intrinsic par value.

Limitation of  
sales.

Sec. 5. Be it further enacted, and it is hereby declared to be the object and intention of this law, That the monies so raised by said bonds as aforesaid, except as hereinafter in the eighth section thereof specified, shall be forthwith exclusively appropriated to the building and making of said Alabama, Florida, and Georgia Rail Road, commencing and finishing such portion thereof as is to be made within this Territory, in the first place, and continuing the same therefrom into the State of Alabama, as provided in the charter of said company; and it is hereby declared to be the duty of said bank, and its officers and agents to carry this object and intention into effect by their votes and acts as far as possible, both as officers and stockholders of said bank, and also of said rail road company.

Proceeds how  
appropriated.

Sec. 6. Be it further enacted, That whenever the said Alabama, Florida, and Georgia Rail Road Company shall call in any instalments of the stock of said company, in order to enable said bank to pay such instalments on the stock so purchased or subscribed for as aforesaid, the said bank is further authorised from time to time, as may be necessary, to issue an additional number of its bonds, as specified in the fourth section hereof; and which bonds on presentation to the governor of this Territory, he is hereby required to endorse in like manner as is specified in said fourth section; which bonds shall also be attested by the Secretary, and the seal affixed thereto without fee and

Bank may is-  
sue additional  
bonds:

1835.

the same be delivered to said bank for sale, and the delivery thereof to the purchaser shall give the same rights as specified in said fourth section, with regard to the bonds therein mentioned; and no sale of such bonds for less than the amount of principal and interest therein specified shall be valid: Provided however, that it shall be made to appear satisfactorily to the Governor, before making such endorsement that one mile of said rail road for every ten bonds, so presented to him for indorsement, has been constructed and finished by the company; and thereafter each and every mile of said road, upon which any bonds as aforesaid, shall be issued, shall be and inure to the Territory of Florida, with all its rights and privileges for the redemption by said company of the bonds so issued; and until they be redeemed, said lien shall continue to the Territory.

Hypothecation  
of stock to Ter-  
ritory.

Sec. 7. Be it further enacted, That to secure and indemnify the Territory for the aforesaid guarantee of said bonds, the said bank, at the time of the endorsement of the bonds first given by said bank, shall execute and deliver to the Governor of the Territory, for the Territory of Florida, an hypothecation of the capital stock of said bank and of all its property, real and personal, and assets which it may then and thereafter hold or have, and of the stock it may then or thereafter hold, in the said Alabama, Florida, and Georgia Rail Road Company in such form and manner as the Governor may direct; which hypothecation is hereby declared to be and continue a lien, upon the said capital stock, property and assets; and said stock in said rail road, and also such portion of said rail road as is within this Territory in preference to all other claims and liens, until said bonds are fully paid and extinguished.

Proceeds of  
bonds in part,  
how appropri-  
ated.

Sec. 8. Be it further enacted. That the said bank shall be permitted to use and appropriate one third of the amounts so raised by the said bonds for the purposes of banking: Provided however, that no dividends of profits shall be made among the stockholders, until all said bonds are extinguished and paid, or a fund sufficient therefor created; but the said profits and all the profits of the stock owned by the said bank, in said Alabama, Florida, and Georgia Rail Road Company, shall be exclusively appropriated to the payment of the interest and principal of said bonds as aforesaid, or the creation of such fund; and the stockholders of said bank and of said rail road shall be individually and personally liable for the redemption of said bonds.

Semi-annual  
returns.

Sec. 9. Be it further enacted, That the President and Cashier of said bank shall make semi-annual returns, under oath, to the Governor, of its condition and state; and the Governor shall have power, whenever he may deem it necessary, to appoint a commissioner to examine fully as to its management and make report thereof to him for the information of the Legislature.

Sec. 10. Be it further enacted, That it shall be the duty of the said bank of Pensacola, on or before the first day of Janu-



any eighteen hundred and thirty-six, to establish in the town of Marianna a branch of said bank, with a capital of not less than fifty thousand dollars; and the Directors of the said bank of Pensacola shall have authority to elect the President, Cashier, and Directors of said branch, and to fix the salaries thereof, and to pass all laws necessary for the government of said branch.

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Branch at Marianna.

Sec. 11. Be it further enacted, That the acts incorporating the bank of Pensacola, and this act shall continue in force, as long as the charter of said Alabama, Florida, and Georgia Rail Road Company, and until said bonds are all paid and extinguished, or a sufficient fund created therefor. No tax shall be levied or assessed on the stock of the said rail road within this Territory; but after the same are so paid, or a fund created as aforesaid, a tax equal to that paid by other banks of this Territory may be assessed.

Duration of charter.

Passed, February 13th, 1835.

Approved, February 14th, 1835.

CHAP. 844. [No. xxi.] An Act in addition to the Acts providing for the Compilation of the Laws of this Territory.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That upon the present contractors for publishing the compilation of the laws of this Territory, or either of them, or James D. Westcott Jr. Esq., entering into bond with security, to be approved by the Executive, in the sum of four thousand five hundred dollars, payable to the Territory of Florida, conditioned for the delivery, on or before the 31st of August, 1835, to the said Executive, of seven hundred and fifty copies of the said compilation, to comprise the laws from 1822 to 1834, inclusive, with also the treaty of cession, the constitution of the United States, and the Acts of Congress respecting Florida, on the plan and system, and as stipulated in the Act of last session; and that in failure so to do, said contractors shall and do forthwith pay to the Executive for the Territory, the amounts which have heretofore, and may hereafter, be advanced on account of said publication; that the Executive be, and he is hereby required to cancel the contracts and bonds heretofore made and given, and on failure of the condition of such new bond, if such should occur, that said Executive is authorized to employ counsel and institute legal proceedings thereon, and make a new contract with other persons for the same work, or adopt such other course as he may deem most advisable, and that on the execution of such bond; and the same being filed in the Secretary's office, that the Executive be required to draw

New Bonds required.

Former bond to be cancelled

1835.

for and advance to the contractors the sum of five hundred dollars, and no more, 'till said work is completed, when he shall draw for and pay over the whole amount of the appropriations in arrear.

Passed February 11th, 1835.

Approved February 12th, 1835

CHAP. 845. [No. xxii.] An Act to change the time of holding the Election for members of the Legislative Council

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That an election for members of the Legislative Council of this Territory, shall be held in the several counties thereof, on the second Monday in October next, under the same rules, regulations, and restrictions as are now provided by law, and a like election shall be held annually thereafter, on the same day.

Sec. 2. And be it further enacted, That all laws inconsistent with the true intent and meaning of this Act, be, and the same are hereby repealed.

Passed February 7th, 1835.

Approved February 14th, 1835.

CHAP. 846. [No. xxiii.] An Act to fix permanently the Seat of Government of the Territory of Florida.

Three commissioners to be appointed. Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor be, and he is hereby authorised and empowered to appoint three Commissioners, who shall forthwith proceed to select the most eligible spot on the Suwannee river, for the permanent location of the seat of government of the Territory of Florida, and having done so, said commissioners shall make their report thereof to the Governor, and if the place so selected shall be approved of by the Governor, it shall be his duty to take all necessary steps to cause suitable arrangements to be made for holding the next session of the Legislative Council at said place.

Sec. 2. Be it further enacted, That if any arrangements cannot be made by the first Monday of October next, for holding

1835.

the next ensuing session of the Legislative Council at the place so selected on the Suwannee river, then it shall be the duty of the Governor to issue his proclamation convening said Council at Tallahassee, in the county of Leon, where the next session thereof shall be holden; and from the date of issuing said proclamation, the town of Tallahassee shall become the seat of government until such arrangements shall be perfected.

Proclamation  
when to be is-  
sued.

Passed February 13th, 1835.

Approved February 14th, 1835.

**CHAP. 847. [No. xxiv.]** An Act to alter the place of Sale under Executions, issuing out of the Superior Courts, in certain cases.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this Act, the Marshal of any District, shall expose to sale all real and personal estate, by him taken or levied upon, by virtue of an execution issuing out of any superior court in the county town, of the county in which such real estate shall be situated, or such levy shall be made, and in the same manner, in all respects, as is now required by law.

Sales to be  
held in County  
Towns.

Passed February 7th, 1835.

Approved February 14th, 1835.

**CHAP. 848. [No. xxv.]** An Act requiring County Judges, in all cases, to forward copies of Orders for Elections to the Governor.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That in all cases when a county judge shall order an election, he shall forward a copy of the order he shall make in the premises to the Governor, in the same manner as is now required by law, in case of the election of members of the Legislative Council.

Copy of Order  
to be sent to  
the Governor.

Passed February 7th, 1835.

Approved February 14th, 1835.



1835.

CHAP. 849. [No. xxvi.] An Act to make sureties equally liable in certain cases.

Endorsers  
equally liable.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida. That when any person shall execute any bond, note, draft, or bill of exchange in this Territory, and any two or more persons shall also execute the same jointly with him, and merely as his or their sureties, or shall endorse any note, draft, or bill of exchange as sureties for the maker or drawer thereof, and for his accommodation, and without any consideration, said persons shall be bound each to the other for a proportionable contribution of the amount of said bond, note, draft, or bill of exchange, and if any one or more of said persons be compelled to pay any part of said bond, note, draft, or bill of exchange, he or they shall have his or their remedy by suit against his or their co-surety, or co-sureties for contribution, and may sue separately or jointly to enforce the payment of the same, and the defendants, if more than one, may be sued separately or jointly, and where it may be necessary, the person or persons claiming such contribution may proceed by attachment as in other cases.

Passed February 7th, 1835.

Approved February 14th, 1835.

CHAP. 849. [No. xxvii.] An Act to amend the several Acts now in force concerning Divorces.

Act of 1829  
repealed and  
Act of 1828  
revived.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Act, entitled An Act, to amend An Act, concerning divorces, and alimony, and for other purposes, approved Nov. 5th, 1829, be, and the same is hereby repealed. And that the Act, entitled An Act, concerning divorces, and alimony, approved Oct. 29th, 1828, be, and the same is hereby revived.

Causes of di  
vorce.

Sec. 2. Be it further enacted, That divorces *a vinculo matrimonii*, shall be adjudged and decreed in addition to the causes in said Act prescribed, for extreme cruelty in either party, or for the habitual indulgence of violent and ungovernable temper, or for habitual intemperance, or for willful obstinate and continued desertion by either party for the term of a year.

Divorce how  
to be granted.

Sec. 3. Be it further enacted, That from and after the passage of this law, no divorces shall be decreed from bed and board, but whenever any divorce shall be adjudged and decreed between man and wife in the courts of this Territory, by virtue of any statute, the same shall be from the bonds of matrimony.

Sec. 4. Be it further enacted. That the several Superior

Courts of this Territory within their respective districts, shall have exclusive cognisance of all claims for divorces, and that any petition for a divorce, now depending under the Act of November 5th, 1829 hereby repealed, may be prosecuted to final judgement, the said repeal notwithstanding.

1835.

Superior  
Courts exclu-  
sive jurisdiction

Sec. 5. Be it further enacted, That no person shall be entitled to apply for a divorce under the provisions of this Act, who has not been a resident of this Territory for a period of three months.

Residence

Passed February 10th, 1835.

Approved February 14th, 1835.

CHAP. 550. [No. xxviii.] An Act, to amend An Act, entitled An Act to provide for the collection of Rents, passed 20th Nov. 1823.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That any tenant, or lessee at will, or at sufferance, or for part of a year, or for one or more years, of any houses, lands, or tenements, and the assigns, under tenants, or legal representatives of such tenant, or lessee, may be removed from such premises in the manner hereinafter prescribed in the following cases.

Lessees how  
removed.

1st. Where such person shall hold over and continue in the possession of the demised premises, or any part thereof, after the expiration of his time, without the permission of his landlord.

2d. Where such person shall hold over without permission as aforesaid, after any default in the payment of rent pursuant to the agreement under which such premises are held, and a demand of such rent shall have been made, or three days notice, in writing, requiring the payment of such rent, on the possession of the premises, and shall have been served by the person entitled to such rent, on the person owing the same, by either delivering to the tenant to whom it shall be directed, a true copy thereof; or if such tenant be absent from his last, or usual place of residence, by leaving a copy thereof at such place.

Sec. 2. Be it further enacted, That the landlord, his legal representative, agent, or assigns, applying for the removal of any such tenant, shall make oath in writing, of the facts which so authorise the removal of any tenant, describing therein the premises, before some justice of the peace of the county where the demised premises are situated, whose duty it shall be, thereupon to issue his summons, describing the premises of which possession is demanded, and requiring the person in possession of said premises, or claiming the possession thereof, forthwith to remove from the same, or to show cause before the said justice, within not less than three days, nor more than five, why possession of said premises should not be delivered to the applicant.

Oath required

Duty of justice

1835.

Warrant to be issued.

Sec. 3. Be it further enacted, That if at the time appointed in said summons, no sufficient cause be shown to the contrary, the said justice shall issue his warrant to any constable of said county, commanding him to remove all persons from the premises aforesaid, and to put the said applicant in full possession thereof.

Trial by jury.

Sec. 4. Be it further enacted, That the person in possession of such demised premises, and any person claiming possession thereof, may at the time appointed in such summons, for showing cause, or before, file an affidavit with the justice who issued the summons, denying the facts upon which the said summons was issued, or any of said facts; and the matters therein controverted shall be tried by six legal jurors, to be immediately summoned and empanelled for that purpose.

Distress for rents.

Sec. 5. Be it further enacted, That if the verdict of the jury so summoned, shall be in favor of the lessor landlord, or other person, applying for the possession of said premises, the said justice shall issue his warrant to any constable of said county, commanding him to put landlord, lessor, or other person, into possession of said premises, as hereinbefore directed, which it shall be his duty forthwith to execute.

Sec. 6. Be it further enacted, That no property of any tenant or lessee shall be exempt from distress and sale for rent: except bed, bed clothes, and wearing apparel.

Passed February 6th, 1835.

Approved February 14th, 1835.

CHAP. 851. [No. xxix.] An Act, to repeal a certain Act, and part of An Act, therein named.

Act of 1834 repealed.

Sec. 1. Be it enacted by the Governor and Legis'ative Council of the Territory of Florida, That the Act, entitled An Act, in relation to trading with slaves, passed 5th Feb. 1834, be, and the same is hereby repealed, so far as to prevent its operation in East and South Florida; (with the exception of Columbia County) and that it be repealed in the County of Escambia in West Florida, and no further: and that the Acts repealed by that Act, be revived in all places in this Territory, where said Act is not in force.

Sixty-second sect. repealed

Sec. 2. Be it further enacted, That the sixty second section of an Act, entitled an Act, relating to crimes and misdemeanors committed by slaves, free negroes, and mulattoes, be, and the same is hereby repealed.

Passed February 7th, 1835.

Approved February 14th, 1835.



CHAP. 852. [No. xxx.] A Bill limiting the time of appointment of Auctioneers, and for other purposes.

1835.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all appointments of Auctioneers heretofore made by the Governor and Legislative Council in this Territory, shall, after the expiration of two years from and after the passage of this Act, be considered as having expired, and that no commission of Auctioneers shall in future be granted by the Governor for a longer time than two years.

Time of holding office

Sec. 2 Be it further enacted, That all laws, or parts or laws passed heretofore for the regulation of Auctioneers and Auctions inconsistent with the provisions of this Act, be, and the same are hereby repealed.

Repealing clause.

Sec. 3. Be it further enacted, That nothing in this Act shall be construed to derogate from the chartered rights of any incorporated City or Town in this Territory.

Passed February 10th, 1835.

Approved February 14th, 1835.

CHAP. 853. [No. xxxi.] An Act to prohibit the circulation of notes of foreign Banks of a less denomination than five dollars.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the first day of June next, it shall not be lawful for any person to pass, or attempt to pass any note of a foreign bank of a less denomination than five dollars, under the penalty of twenty dollars for each offence, to be recovered before any justice of the peace; one half to the prosecutor and the other half to be paid into the county Treasury for county purposes.

Foreign notes less than \$5 prohibited.

Passed, February 10th, 1835.

Approved, February 14th, 1835.

CHAP. 854. [No. xxxii.] An Act in addition to the several acts regulating the mode of proceeding on Attachments.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall be lawful for any person to obtain a writ of attachment whether the debt or demand be due or not, Provided that the same will become due within nine months from the time

Writ of attachment when issued.

1835.

of applying for said writ of attachment. And provided also, that at the time of such application, the person against whom the debt or demand charged, shall be actually removing his or her property beyond the limits of this Territory, or be fraudulently disposing of or secreting the same for the purpose of avoiding the payment of his or her just debts or demands.

Oath of plain  
tiff.

Sec. 2. Be it further enacted, That such writ as is provided for in the preceding section of this act, shall in no case be issued unless the party applying for the same, or his agent, or attorney, shall first make oath in writing that the amount of the debt or demand claimed and charged against the opposite party, is actually an existing debt or demand; stating also, in said oath, in writing, the time when said debt or demand will actually become due and payable; and also, that the party against whom the said writ of attachment is applied for, is actually removing his or her property beyond the limits of this Territory, or (as the case may be) is fraudulently disposing of or secreting the same for the purpose of avoiding the payment of his or her just debt or demand,—satisfactory proof of which shall be demanded and produced to the officer granting the attachment.

Bond and se-  
curity.

Sec. 3. Be it further enacted, That no writ of attachment provided for in this act, shall in any case be issued, till bond with security as directed in the tenth section of the act, approved, February 15th, 1834, entitled "an act to amend an act regulating the mode of proceeding on attachments," be given.

Replevy.

Sec. 4. Be it further enacted, That in all cases when any writ of attachment shall be issued under the authority of this act, the property attached shall be discharged and restored to the defendant or defendants on his, her, or their entering into bond with sufficient security, to be approved by the court to which the writ is returnable, conditioned for the payment to the plaintiff in attachment of the debt or demand, when the same shall become due—or said property so attached may be replevied according to law as in other cases.

Motion to dis-  
solve jury trial

Sec. 5. Be it further enacted, That motions for dissolving writs of attachments granted by authority of this act, may be made, and shall be heard and decided as in other cases.

Sec. 6. Be it further enacted, That in all cases on motions to dissolve an attachment, the party plaintiff and party defendant shall have right and equal right to demand a jury to try any issue made on such motion.

Sec. 7. Be it further enacted, That no part of this law shall be construed to operate retroactively.

Passed, February 13th. 1835.

Approved, February 14th, 1835.

CHAP. 855. [No. xxxiii.] An Act to revive an act to provide for the collection of judgments against free Negroes and other persons therein named.

1835.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the act to provide for the collection of judgments against free negroes, and other persons therein named, passed the 28th day of January, 1832, be, and the same is hereby revived and made in full force from the passage of this act: Provided however, that this act shall not apply to any free negro, who was a resident in this Territory previous to its cession to the United States, and who has continued to reside in it to the present time. Act of 1832 revived.

Sec. 2. Be it further enacted, That the act, entitled an act to repeal the before mentioned act, passed, 16th day of January, 1834, be, and the same is hereby repealed. Act of 1834 repealed.

Passed, February 13th 1835.

Approved, February 14th, 1835.

CHAP. 856. [No. xxxiv.] An Act in relation to Fugitives from Justice.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall be the duty of the Governor of this Territory, when demand shall be made of him, by the Executive of any State or Territory, of any fugitive from justice, in the manner prescribed by the act of Congress, approved, 12th February, 1793, to cause said fugitive to be arrested and secured either by making public proclamation, or by issuing an order to that effect, as he may deem most expedient, under his hand and the seal of the Territory, directed to all and singular the marshalls and sheriffs of this Territory, therein commanding them to arrest the fugitive therein named; and it shall be the duty of any marshal or sheriff, upon receiving such order, forthwith to execute the same. Governor to arrest fugitive on demand.

Sec. 2. Be it further enacted, That when any fugitive shall be arrested, he, or she shall be immediately committed to some safe jail or prison; and it shall be the duty of the marshal, deputy marshal, sheriff or deputy sheriff, upon such arrest being made, to notify the Governor thereof, and also of the jail or prison to which said fugitive shall be committed; and said fugitive shall be dealt with as by said act of Congress is provided. Fugitive to be committed.

Passed, February 4th, 1835.

Approved, February 9th, 1835.



1835.

CHAP. 857. [No. xxxv.] An Act to prevent trespasses and depredations on lands within the jurisdiction of the Territory of Florida.

Introduction  
of foreign st'k.

Be it enacted by the Governor and Legislative Council of the Territory of Florida That it shall not be lawful for any stock owner, or cattle owner, not residing within the limits of the Territory of Florida, to drive his stock, or cattle upon the lands within the Territorial limits of the same for any other purpose than that of making sale of the same; and if any such stock, or cattle owner shall so drive or cause to be driven any stock, or cattle upon lands within the limits of of said Territory for grazing, or shall permit any cattle which have strayed off and passed the limits of Florida for more than one month, to remain within the said Territory, the stock, or cattle so driven or remaining within the same, shall be forfeited and subject to sale, upon proof being thereof made before a justice of the peace or county judge; one half of the proceeds of such sale shall be for the benefit of the informer, and the other half to the Territory of Florida.

Penalty.

Fictitious sale.

Sec. 2. Be it further enacted, That if any person or persons shall with intent to avoid the foregoing provisions of this act make any colourable, or fictitious sale of cattle to any person within the Territory without valuable consideration, the cattle so fraudulently and fictitiously sold, shall, in like manner, be subject to forfeiture.

Passed, February 5th, 1835.

Approved, February 10th, 1835.

CHAP. 858. [No. xxxvi.] A Bill entitled, an act to amend an act entitled an act to establish a Tariff of Fees.

Fees of translators.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That translators of the courts of this Territory shall receive for any instrument of writing of one hundred words or less, twenty-five cents.

For any instrument of writing, for each hundred words twenty-five cents.

Certifying the same, twenty-five cents.

Slaves taken  
on Execution  
to be hired out

Sec. 2. Be it further enacted, That whenever any marshal, sheriff, or other officer, in the Territory, shall take any slave, or slaves, by execution or attachment, it shall be his duty to hire said slave, or slaves to the highest bidder, at public outcry within three days after such slave or slaves shall have been taken into his custody, and the proceeds of such hire shall go to the extinguishment of the debt for which said property was taken, and that said marshal, sheriff, or other officer shall take bond and sufficient security to be approved by him for the forth-

going of said slave, or slaves hired as aforesaid. Provided, nothing herein contained shall interfere with the right of replevy given by law.

1835.

Sec. 3. Be it further enacted, That the several fees of clerks, marshals, sheriffs, translators, and all other officers herein or heretofore provided for by law, shall in all cases be collected at each term of the court, from the party for whom the services have been rendered where said services have reference to cases pending in any court: Provided, that each distinct item of cost shall be particularly enumerated in the bill of costs.

Fees of officers  
by whom paid

Sec. 4. Be it further enacted, That it shall be the duty of the clerks of the several courts, to tax the costs accruing in each case at the close of each and every term of court if required.

Costs how  
taxed.

Sec. 5. Be it further enacted, That when such bill of costs shall have been so taxed and approved of by the judge of the court wherein said services have been rendered, it shall have the force and effect of an execution, to which the property, real and personal, of the party for whom said services have been rendered, shall be liable as in other cases of executions.

To have force  
of an Execu-  
tion.

Sec. 6. Be it further enacted, That no fee shall be charged, in any case, or for any official service performed, or claimed to be performed by any clerk, marshal, sheriff, constable, coroner, judge, justice, translator, keeper of archives, or other public officer of any name, character, or description whatsoever within the Territory, appointed by, or acting under the authority of the laws thereof, unless said fees be expressly authorized and their amount specified by law.

Fees not al-  
lowed unless  
specified.

Sec. 7. Be it further enacted, That so much of the act entitled an act to establish a tariff of fees, approved, fifteenth of February, eighteen hundred and thirty-four, as is inconsistent with this act, be, and the same is hereby repealed.

Repl'ng clause

Passed, February 6th, 1835.

Approved, February 14th, 1835.

#### CHAP. 859. [No. xxxvii.] An Act concerning the limitation of Actions

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That any person, an inhabitant or resident of this Territory, who shall be sued within the same upon any contract made or liability accruing in any foreign country, or beyond the limits of this Territory, upon which contract or liability suit would be barred by the law of the place where the contract was made, or the liability originated, then

Limitation of  
Actions.

1835.

in every such case the defendant may plead such law in effectual bar of the suit thereon in this Territory.

Passed February 12th, 1835.

Approved February 14th, 1835.

CHAP. 860. [No. xxxviii.] An Act to prevent any person in this Territory from carrying arms secretly.

Secret arms  
prohibited,

Act to be  
given in charge  
to juries.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this Act, it shall not be lawful for any person in this Territory, to carry arms of any kind whatsoever secretly, on or about their persons; and if any dirk, pistol, or other arm, or weapon, except a common pocket knife shall be seen, or known to be secreted upon the person of any one in this Territory, such person so offending, shall on conviction, be fined not exceeding five hundred dollars, and not less than fifty dollars, or imprisoned not more than six months, and not less than one month, at the discretion of the jury: Provided however, that this law, shall not be so construed as to prevent any person from carrying arms openly, outside of all their clothes; and it shall be the duty of judges of the superior courts in this Territory to give the matter contained in this act in special charge to the grand juries in the several Counties in this Territory, at every session of the Courts.

Passed January 28th, 1835.

Approved January 30th, 1835.

CHAP. 861. [No. xxxix.] An Act to enable married women to convey their real estate of inheritance.

Right of Con-  
veyance.

Sec. 1. Be it enacted by the Governor and legislative Council of the Territory of Florida, That any married woman owning real estate of inheritance in this Territory, may sell, convey, transfer, or mortgage the same, or any part thereof, in the same manner as she might do, if she were sole and unmarried: Provided, the husband of said married woman join in such sale, conveyance, transfer, or mortgage, and the same be made and authenticated in the manner prescribed by the several acts in force, regulating conveyances of real estate, and the recording and authenticating the same; and provided also, that such mar-



ried women shall acknowledge on a separate or private examination, before the officer or other person appointed by law to take her acknowledgement of her execution of any such sale, conveyance, transfer, or mortgage, separate and apart from her said husband, that she executed the same freely, and without any fear or compulsion of her said husband.

Sec. 2. Be it further enacted, That all sales, conveyances, transfers, or mortgages, heretofore made by married women of their real estate of inheritance in this Territory, where the husbands of such married women have joined therein, shall be as valid as if the same had been conveyed by fine, as at common law, which said mode of conveyance shall never be used in this Territory.

1835.

Former sales  
valid.

Passed January 30th, 1835.

Approved February 4th, 1835.

CHAP. 862.

CHAP. 862. [No. XL.] An Act providing for removal of Justices of the Peace in certain cases, and for other purposes.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall be lawful for the Governor of this Territory upon sufficient cause shown to him, or for any judge of the superior court, on motion, ten days previous notice having been given, to remove any Justice of the Peace, Auctioneer, or other person holding office by appointment from the Governor and Legislative Council, and to appoint others in their places, and said Judge shall inform the Governor thereof.

Removal of  
justices.

Sec. 2. Be it further enacted, That if any Judge of the county Court, or Justice of the Peace of this Territory, shall on indictment, be convicted of any offence against the penal laws of this Territory in addition to the sentence and penalties now imposed by law, said Judge, or Justice, shall be removed from his said office, on the conviction aforesaid: Provided; nothing in this act shall be construed to release the removed officer and his securities from any liability that may have been previously incurred.

Passed February 5th, 1835.

Approved February 14th, 1835

1835.

CHAP. 863. [No. 311.] An Act to provide for the compensation of the Members and Officers of the Council, and for other purposes.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor cause to be audited and settled, the pay and mileage of the members for their attendance at the Council from Monday the 5th day of January one thousand eight hundred and thirty five, to the 16th of February of the same year, both days inclusive, agreeably to the allowance authorised by the Act of Congress.

Sec. 2. Be it further enacted, That he cause to be paid Jos. B. Lancaster, Secretary of the Council, for his services as such the sum of five hundred dollars. To J. G. Gunn, Enrolling and Engrossing Clerk, three hundred and fifty dollars. To J. S. Sanchez, Enrolling and Engrossing Clerk, three hundred dollars. To Robert Copeland, Enrolling and Engrossing Clerk, three hundred dollars. For copying laws for printer, three hundred dollars. To Jas. Bryan jr., Sergeant-at-Arms, one hundred and seventy five dollars. To Moses Ellis, Door Keeper, one hundred and seventy five dollars. To Wm. Wilson, for printing, stationery, and contingencies of the present session of the Council, one thousand three hundred and seventy seven dollars and seventy cents. To James Bryan jr., for fuel and servants employed by the Sergeant-at-arms, forty dollars.

Sec. 3. Be it further enacted, That the Governor cause to be paid out of the appropriation by Congress, for the year one thousand eight hundred and thirty four, being an unexpended balance in the Treasury Department of the United States, to Leslie A. Thompson, the sum of four hundred and seventy five dollars, being the amount of two warrants heretofore drawn in favor Secundino J. Segui and John P. Booth, for services rendered the last session of the Council. To R. Heyward, two hundred and eighty five dollars, being the amount of a draft heretofore given to R. Dinmore Wescott & Co. for folding and stitching the laws and journals of the last session of the Council. To Samuel B. Fitzpatrick, a former clerk of the Legislative Council, the sum of one hundred and two dollars and sixty nine cents.

Sec. 4. Be it further enacted, That the Governor cause to be audited and settled, the accounts of Wm. Wilson, for printing the Laws and Journals of the present session of the Council, and for publishing the same in the *Floridian*, according to the contract of said Wilson.

Sec. 5. Be it further enacted, That the Governor cause to be audited and settled, the accounts of the Editors of the newspapers authorised to publish the laws of the present session, according to the act of Congress.

Passed February 14th, 1835.

Approved February 14th, 1835.

CHAP. 864. [No. XLII.] An Act for the relief of Grantees and Claimants of land in certain cases.

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Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all lands or grants of lands held by grants, concessions, or orders of survey, or by other titles derived from the Spanish Government, shall be and they are hereby made exempt from taxation, until said lands shall be surveyed by order of the court having the power to order such survey, or until the survey or surveys heretofore or hereafter to be made by the Surveyor General of this Territory shall be accepted by the claimants of said lands: Provided this section shall not apply to county taxes now allowed by law.

Unsettled Spanish grants exempt from taxes

Sec. 2. Be it further enacted, That no tax heretofore assessed against or imposed upon an such lands as are mentioned in the first section of this act shall be collected, and said lands shall be held free and discharged from any such tax, and all sales of any of such lands, or parts thereof, for any tax whatever, after the passage of this act, shall be null and void and vest no title in the purchaser thereof.

Former taxes annulled.

Sec. 3. Be it further enacted, That the owner or owners, or any of them, or the agent or agents of any of such owners, shall give notice in writing to the tax-collector of the fact that said lands have not been surveyed as aforesaid, or if surveyed, that the said survey has not been accepted or received as satisfactory by the owners or claimants of said lands; and on such notice, the said tax-collector shall suspend all further proceedings, and make due return thereof to the treasurer.

Notice to tax collectors.

Sec. 4. Be it further enacted, That this act shall take effect from its passage.

Passed, February 9th, 1835

Approved, February 14th, 1835.

CHAP. 865. [No. XLIII.] An Act to provide for the establishment and organization of the Spring Grove Guards.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the uniform company of mounted riflemen, in the county of Alachua, and known as the Spring Grove Guards shall be, and the same is hereby constituted an independent company, to be called the Spring Grove Guards.

Name of company.

Sec. 2. Be it further enacted, That the officers of said company shall consist of one captain, one first lieutenant, one second lieutenant, two third lieutenants, five sergeants, and four corporals; and that the number of privates may be increased to

Officers.



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the number of one hundred men, by the voluntary enrolment of any qualified persons, residing in the county of Alachua.

To remain  
in commission.

Sec. 3. Be it further enacted, That the officers already elected and chosen by the said company shall remain and continue in the respective commands and grades to which they have been elected, to wit: Steven V. Walker, as captain, Edward Bird, as first lieutenant, W. Carter Allen, as second lieutenant, and Thomas D. Colding, as third lieutenant, who shall be forthwith commissioned by the Governor of this Territory, according to law, and that the said company shall, on some day, to be appointed by the captain thereof, proceed to the election of another third lieutenant, (who shall be, in like manner commissioned, upon the receipt by the Governor of a duly certified report of such election,) and of two sergeants and four corporals.

Subalterns.

Sec. 4. Be it further enacted, That all officers beneath the grade of third lieutenant, shall not be commissioned, but shall receive a warrant of appointment upon their election, from the commander of said company, and all appointments shall be published in company orders.

Sec. 5. Be it further enacted, That any vacancies which may, at any time occur in the said company, may, and shall be filled at any election, to be held and conducted agreeably to the rules and regulations of said company.

Company must  
ters.

Sec. 6. Be it further enacted, That said company shall be mustered, and appear in full uniform, mounted, and under arms for drill and parade of inspection, at such places, and at such times, as shall be appointed by the commander thereof: at least four times in each year, or so much oftener as may be required by the rules and regulations of said company, or by the General commanding the brigade, within which it is formed; and that members of said company shall be exempted from all other or further duty, under the militia laws of the Territory: Provided however, that said company and the members thereof, (any thing in this section notwithstanding) shall be liable to be drafted or called out by proper authority for the defence of this Territory, or of the United States, or for the performance of any other proper public duty, always in every such case, to be drafted or called out according to law.

Rules and re-  
gulations.

Sec. 7. Be it further enacted, That the said company may adopt rules and regulations by the voice of the majority of members, and by the consent of the captain, which when approved by the commander-in-chief, shall bind said company: Provided always, that the same be not repugnant to the laws of the Territory.

Sec. 8. Be it further enacted, That the reports and returns of said company shall be made to and through the staff of the General commanding the brigade to which it belongs; and that said company shall be entitled to, and procure a stand of colours, and at dress parades of inspection or drill, appear with the same displayed agreeably to the usages of war.

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Sec. 9. Be it further enacted, That the Governor of this Territory be, and he is hereby required, if there be a sufficient number of public rifles undisposed of, at the capital, to cause said company to be furnished with them; otherwise to make application to the proper department at Washington, for a sufficient number for the purpose, together with the necessary accoutrements.

Passed, January 26th, 1835.

Approved, January 29th, 1835.

CHAP. 866. [No XLIV.] A Bill entitled an act to prescribe the mode of erecting mill dams near the town of Quincy, in the county of Gadsden.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person or persons to dam any water for the purpose of erecting any mill, or other water works within three miles of the town of Quincy in this Territory, except under the following restrictions and regulations, to wit: previous to the erecting any such dam or pond, it shall be the duty of the persons intending to construct the same, to apply to the superior or county court for a writ to be directed to the sheriff of the county, commanding him to summon twelve lawful jurors of said county, who shall be sworn before some judge or justice of the peace, and charged with the duty of inquiring if the said dam or pond when so constructed will prove detrimental to the health of said town.

Erection of  
Dams.

Jury.

Sec. 2. Be it further enacted, That the following shall be the manner of summoning a jury for the trial or examination of such cause or causes, to wit: the sheriff and clerk of the county court shall select from the tax list of the county all the names of the duly qualified jurors residing within the justice's district, in which the said town is situated, and having put the same on slips of paper into a box or hat, shall proceed to draw therefrom, twelve names, who shall be summoned by the sheriff, within ten days and shall constitute the jury, contemplated by this act.

How sum-  
moned.

Sec. 3 Be it further enacted, That if the said jury, when so summoned, sworn and charged as aforesaid, shall say by their verdict, that the erection of such mill-dam, pond, or other water works, when so constructed, will prove to be a nuisance, or detrimental to the health of the said town, then it shall not be lawful to erect or construct the same.

Verdict.

Sec. 4. Be it further enacted, That if any person or persons shall violate the provisions of this act, it shall be lawful, and is

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Penalty for  
violating act.

hereby made the duty of the judge of the superior or county court, upon application, of the magistrate of police, to issue a writ, commanding the sheriff to abate the nuisance; and on refusing to abate the same, the party convicted thereof, shall be fined in a sum not less than five hundred dollars, at the discretion of a jury.

Costs.

Sec. 5. Be it further enacted, That the sheriff, clerk, jury, and justice, shall be allowed such costs as are allowed in cases of forcible entry and detainer, to be paid by the party applying for such mill, &c.

Passed, February 13th, 1835.

Approved, February 14th, 1835.

CHAP. 867. [No. XLV.] An Act to amend an act entitled an act to regulate the Pilotage of the Port of St. Mark's.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Governor of the Territory shall have power to appoint five persons to constitute a board of *Port Wardens* for the port of St. Mark's, who shall continue in office during good behaviour, or until removed by the Governor; and it shall be the duty of the port wardens, so appointed, to appoint and license such number of competent persons as may be deemed necessary to act as pilots for the said port, during good behaviour, which said pilots, so appointed, shall enter into bond with security, to be approved by by the said board, in the sum of two hundred and fifty dollars, payable to the Governor and his successors, conditioned for the faithful performance of their duties; and shall also, before entering upon their office, take and subscribe an oath, well and faithfully to discharge the same.

Appointment  
of Pilots.Rates of pilot-  
age.

Sec. 2. Be it further enacted, That there shall be allowed as pilotage, to each pilot, for conducting a vessel into the port of St. Mark's, or to any intermediate place, between the port of St. Mark's, and the outer bar, that the captain or consignee of the vessel may determine upon, two dollars and fifty cents per foot, and the same for carrying a vessel out to sea.

Survey of ves-  
sels.

Sec. 3. Be it further enacted, That whenever it shall be required by the captain or consignee of a vessel to make an inspection or survey of any vessel or cargo, it shall be the duty of the board of wardens, or a majority of them, and for the first visit, they shall each be entitled to receive five dollars, and two dollars each for every subsequent visit, that may be so required; and the said board of wardens, shall be entitled to receive ten dollars for each license they may grant.

Sec. 4. Be it further enacted, That the first and second sections of an act entitled, "an act to regulate the pilotage of the



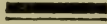
1835.

port of St. Mark's," approved, February the 10th, 1834, and all other acts inconsistent with the provisions of this act, be, and the same are hereby repealed.

Repealing  
clause.

Passed, February 9th, 1835.

Approved, February 14th, 1835.



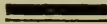
CHAP. 868. [No. XLVI.] An Act to alter the time of holding the county courts in Franklin county.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act the times of holding the county courts in Franklin county shall be on the second Monday in April, and on the fourth Monday in November, in each and every year; and that all laws passed heretofore fixing the time of holding the said courts be, and they are hereby repealed.

Second Mon-  
day in April

Passed, January 26th, 1835.

Approved, January 29th, 1835.



CHAP. 869. [No. XLVII.] An Act to change the northern boundary line of Alauchua county.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the line dividing the counties of Alauchua and Columbia, shall commence at the mouth of the Santafee river, and run up said river, to the mouth of Sampson river, and up Sampson river to its head, and from thence, due east to intersect the western boundary line of Duval county.

North boundry

Passed, February 9th, 1835.

Approved, February 10th, 1835.



CHAP. 870. [No. XLVIII.] An Act to authorise the Alabama, Florida, and Georgia Rail Road Company to continue their Road from the line between the State of Alabama and Territory of Florida, to the waters of Pensacola Bay.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the several sections and

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Act of Alabama  
assented to

provisions of an act passed by the Legislature of Alabama at its session, commencing on the third Monday in November, in the year one thousand eight hundred and thirty four, entitled "an Act to incorporate the subscribers to the Alabama, Florida, and Georgia, Rail Road Company, be, and the same are hereby assented to, and declared to be in full force, so as to authorise said Company to continue said Rail, McAdamised, or other artificial Road, from the line between the State of Alabama and the Territory of Florida, to the waters of Pensacola Bay, in the said Territory; and the rights and privileges therein granted, are hereby secured to the said company within the limits of the said Territory of Florida.

Act of 1834  
repealed.

Sec. 2. Be it further enacted, That an act, entitled "an Act to incorporate the Florida, Alabama, and Georgia Rail Road Company," passed the 14th Feb. 1834, and approved 15th Feb. 1834, be, and the same is hereby repealed.

Passed February 5th, 1835.

Approved February 9th, 1835.

CHAP. 371. [No. XLIX.] An Act, to repeal An Act, to provide for the appointment of Pilots, and regulating the rate of Pilotage at Key West, and for other purposes.

Act of 1834  
repealed.County court  
to regulate and  
appoint pilots.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Act passed 15th Feb. 1834, to provide for the appointment of Pilots and to regulate the rate of Pilotage at Key West, be, and the same is hereby repealed, and that hereafter the appointment of Pilots, and the regulation of Pilotage in Monroe County, shall be by the county court, when assembled for county purposes, and the qualifications and duties of Pilots, and the rates of Pilotage, shall be the same as was established before the passage of the before recited Act: but the county court shall have full power to prescribe other qualifications, and make any alterations in regard to Pilots and Pilotage, as they may deem proper and requisite, and to fine or dismiss any Pilot for improper conduct, but no Pilot shall be appointed or dismissed except when the Judge of the county court and three Justices be present, and concur in such appointment or dismissal, and the Judge shall have power to call three Justices of the county together to act upon any application for a branch, or upon complaint made against a Pilot, and the Pilots now in commission shall retain their branches until the next session of the county court, when upon application to the court new branches shall issue to all such as the court may think proper to grant branches to; and each Pilot shall be fore he receives his branch pay five dollars for the use of the

county, and one dollar to the clerk, who shall also furnish each Pilot appointed with the rules and regulations established by the court in relation to Pilots and Pilotage; and every Pilot shall give bond with two or more good and sufficient securities to be approved by the court, in the sum of one thousand dollars, to the Governor of the Territory, and his successors in office, for the faithful performance of his duties as a Pilot, which bond shall be recovered in any court of competent jurisdiction, at the first term after the bond shall be sued for, and all Pilots in this county shall renew their branches once a year.

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Pilots to give bond.

Passed February 7th, 1835.

Approved February 14th, 1835.

CHAP. 872. [No. L.] An Act to make permanent the County Site of Madison County, and for other purposes.

Sec. 1: Be it enacted by the Governor and Legislative Council of the Territory of Florida; That from and after the passage of this Act, San Pedro, in the County of Madison, where the court house is now situated, shall be the permanent County seat of said County.

San Pedro.

Sec. 2. Be it further enacted, That it shall be lawful, and it is hereby made the duty of the Judge of the Superior Court for the District of Middle Florida, to hold two terms of his said court annually in said county, at the court house aforesaid: and at the first term of holding said court to appoint a clerk to the same, who, when appointed, shall be authorised and required to give bond and to discharge the duties of his office, and to receive like fees, as other clerks of similar courts within the Territory.

Superior court

Sec. 3. Be it further enacted, That so soon as said court is organized, it shall be the duty of the clerk, for the Superior Court of Jefferson County, to hand over to the clerk of the Superior Court of Madison County, all the suits and papers on file with him, which originated from the County of Madison, and hereafter all writs, subpoenas, and processes of every kind, as well those executed as those which are not, shall be returnable to said Superior Court of Madison County; and all the recognizances of said county, taken for appearances at Jefferson Superior Court, shall be holden in force, for an appearance at the Superior Court of Madison, and the same steps shall be taken, and proceedings had before said Superior Court of Madison, as might before the passage of this act, have been had before the Superior Court of Jefferson.

Clerk of Jefferson to hand over papers.

Sec. 4. Be it further enacted, That the times of commencement of said court, shall be on the Thursdays after the first Mondays in June and December.



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Sec. 5. Be it further enacted, That the said Superior Court when sitting at San Pedro, and organised as directed by this act, shall have the same jurisdiction, except in murder or other capital offences, that is possessed in other counties of this Territory, where Superior Courts have been established and organised.

Sec. 6. Be it further enacted, That all laws and parts of laws that contravene the provisions of this act, be, and the same are hereby repealed.

Passed February 9th, 1835.

Approved February 14th, 1835.

CHAP. 873. [No. 11.] An Act to alter the time and manner of holding the County Courts in Monroe County, and for other purposes.

Second Monday in May and Nov.

Sec. 1: Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the times of holding county courts in Monroe County, shall be on the second Monday in May and November, in each and every year, after the passage of this act.

Executions.

Sec. 2. Be it further enacted, That no property except wearing apparel, and bed clothes, shall be exempt from execution or attachment, for the payment of the debts of any person in this County, and that all laws passed heretofore in this Territory, exempting property from execution and attachment, be, and the same are hereby repealed, and made null and void in Monroe County.

Jurisdiction of courts.

Sec. 3. Be it further enacted, That the jurisdiction of the Territory of Florida, in Monroe County, shall extend to all ships, vessels, and boats, of any description whatsoever, found on board of any such ship, vessel, or boat, lying or being on or within island, reefs, bays, anchorages, and harbours, on the sea coast of said county, from the N. Eastern boundary of the same to the Westernmost of the Florida Islands, and to the boundary line of said county on the N. E. of Charlotte Harbour, to Cape Florida; and it shall and may be lawful for any Judge, or Justice of the Peace to issue any writ or process against any person or persons, on board of any vessels or boats as aforesaid, and to direct the same to any Marshal, sheriff, or constable, whose duty it shall be to serve the same, and the services of any writ or process as aforesaid, made by any officer in said county, shall be legal, and valid in law.

Passed February 7th, 1835.

Approved February 14. 1835.

CHAP. 874. [No. LII.] An Act to establish the County Site of Mosquitoe County.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, the County Site of Mosquitoe County shall be, and the same is hereby established at New Smyrna, in said County. New Smyrna

Passed January 27th, 1835.

Approved January 29th, 1835.

CHAP. 875.

CHAP. 875. [No. LIII.] An Act to authorise Margaret L. Anderson to sell certain Real Estate.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Margaret L. Anderson, wife of the late Wm. P. Anderson, and mother and natural guardian of his infant children, be, and she is hereby authorised to sell and convey any lands and lots owned by the said Anderson in his lifetime, in the Territory of Florida, to defray the expenses of the maintenance and education of his infant children and heirs, which said sales shall only be made after her having entered into bond, with good and sufficient security, in the sum of three thousand dollars, in the county court of the county within which she resides, conditioned for the faithful application of the funds aforesaid, arising from said sales, to the objects above specified.

Authority to  
sell lands.

Bond to be  
given.

Passed January 30th, 1835.

Approved February 4th, 1835.

CHAP. 876.

CHAP. 876. [No. LIV.] An Act for the relief of Edwin R. Alberti and Henry Sadler.

Whereas the said Edwin R. Alberti and Henry Sadler have constructed at great hazard and expense, a steam saw-mill, on the St. Mary's river in the county of Nassau, known as the wood-stock steam saw-mill, the permanency and continued operation of which in the production of lumber will greatly contribute to the interest and convenience of the country where the said mill is established: Now, therefore, that the mechanics, la-

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Exemption  
from road duty

borers and other hands employed at said mill, may not be called from their necessary engagements there, for the performance of road duty in said county.

Commutation.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the said Edwin R. Alberti and Henry Sadler, and the mechanics, laborers, and other hands employed at said mill, shall be exonerated from the performance of road duty, and all liability therefor in said county of Nassau for three years from the first day of March next, after the passage of this act, upon their payment for each of said years into the county treasury of said county, in lieu of the performance of road duty therein, the sum of twenty twenty dollars, on or before the first day of September of each of said years—said money thus paid into said county treasury to be appropriated for the improvement and repair of roads in said county.

Passed, January 31st, 1835.

Approved, February 4th, 1835.

CHAP. 877. [No. LV.] An Act to change the name of Elizabeth Underwood to that of Elizabeth Murrhee.

Name changed

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, Elizabeth Underwood, of Nassau county, shall be known and called by the name of Elizabeth Murrhee.

Right of inheritance.

Sec. 2. Be it further enacted, That the said Elizabeth shall be held and considered, in law as the child and legal heir of William Murrhee, of said county; and as such, shall be entitled to inherit in whole, or in part his property, or so much thereof, as she would be entitled to, had she been born in wedlock.

Passed, January 26th, 1835.

Approved, January 29th, 1835.

CHAP. 878. [No. LVI.] An Act to authorise Mary J. Fontane to sell and convey certain real estate therein described.

Leave to sell  
granted,

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Mary J. Fontane, guardian of Charlotte Fontane, a minor, under the age of twenty-one years be, and she is hereby authorised and fully empowered to



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grant, bargain, sell, and convey, in fee simple absolute, all that certain lot of ground, the property of the said Charlotte, situate in the city of St. Augustine, East Florida, in what is known as Hospital street, measuring in front, north and south, twenty and half varas, Spanish measure; and in depth, from east to west, twenty-four varas, which said lot is bounded on the east by Charlotte street, on the west by Hospital street, on the south by a lot owned by Francis Gui, and on the north, by a lot owned by the heirs of Joseph Fontane, deceased.

Sec. 2. Be it further enacted by the authority aforesaid, That a conveyance made in virtue of this act, and in due form of law, by the said Mary J. Fontaine, as guardian aforesaid, of the said Charlotte, of said real estate, shall operate to extinguish forever, all the right, title and interest, property and claim whatsoever, of her the said Charlotte in and to said real estate, and vest in the purchaser thereof, and in his heirs and assigns, a valid and indefeasible title thereto, against her the said Charlotte, and her heirs; and every other person and persons whatsoever, claiming or deriving title to said real estate, or to any part thereof, by, through, or under her the said Charlotte.

Passed, January 15th, 1835.

Approved, January 17th, 1835.

CHAP. 879. [No. LVII.] An Act for the relief of the inhabitants of Amelia Island.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the inhabitants of Amelia Island, who by law are made liable to perform road duty, be and they are hereby made exempt from such duty and from working upon any other roads than such as may be on said Island for the term of two years, to be calculated from the passage of this act.

Exemption  
from road duty

Passed, February 9th, 1835.

Approved, February 14th, 1835.

CHAP. 880. [No. LVIII.] An Act for the relief of Joseph F. Wachob.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the treasurer of this Territory be and he is hereby authorised to pay Joseph F. Wachob out of any money in the treasury not otherwise appropriated, the sum

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of one hundred dollars for apprehending certain prisoners, and for services rendered the Territory in certain criminal prosecutions in Jackson county.

Passed February 13th, 1835.

Approved February 14th 1835.

CHAP. 881. [No. LIX.] An Act for the relief of the heirs of Mary T. Blocker.

Leave to sell  
granted.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall and may be lawful for John Blocker, of Leon county, in this Territory, to sell and dispose of the east half of the north east quarter of section thirteen, township one, of range two, south and east, entered in the office of the Receiver, at Tallahassee, in the name of Jesse Blocker, in trust for Mary T. Blocker, of Florida," holding the proceeds thereof to the use of the children of the said Mary T. Blocker, deceased.

Bond required

Sec 2. Be it further enacted, That before the said John Blocker shall proceed to sell the land described in the foregoing section of this act he shall enter into a bond payable to the Governor of the Territory or his successors in office in the sum of five hundred dollars, with such security as the judge of the county court of Leon shall deem sufficient conditioned to pay over the monies arising from the sale of the above described land to the children of the said Mary T. Blocker, dec'd.

Passed, February 9th, 1835.

Approved, February 14th, 1835.

CHAP. 882. [No. LX.] An Act for the relief of Elijah Andrews.

Leave to sell  
granted.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That it shall and may be lawful for Elijah Andrews to sell and dispose of the real and personal estate of which Joseph R. Lane died seized in the county of Leon, for the benefit of his wife Mary Andrews, late widow of the said Joseph R. Lane and of the heirs of the said Joseph R. Lane; and to make and execute all conveyances necessary in carrying into effect the sale hereby authorized, which said conveyances shall be as valid and effectual in law as if executed by said deceased in his life-time: Provided, that nothing herein

contained shall be construed to prejudice the right of dower of said Mary Andrews, late Mary Lane in and to such estate.

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Sec. 2. Be it further enacted, That before availing himself of the privileges conferred by the first section of this act the said Elijah Andrews shall file in the office of the clerk of the county court, of Leon county, a bond with two good and sufficient securities, in the sum of five thousand dollars, to be approved by the judge of said court, and made payable to the Governor of the Territory of Florida, and his successors, for the use of the late widow and children of the said Joseph R. Lane, conditioned to make the said sale in such manner as may best promote the interests of the said widow and children and faithfully to appropriate the proceeds in the manner, prescribed by law, and pointed out in the first section of this act, and also, to make return on oath to every term of the county court of expenses incurred.

Bond required

Sec. 3. Be it further enacted, That said bond may be put in suit successively for every violation of the provisions of this act.

Passed, February 9th, 1835.

Approved, February 14th, 1835.



CHAP. 883. [No. LXI.] An Act to authorise Mary Johnson, and John A. Cuthbert to dispose of certain real estate.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Mary Johnson, and John A. Cuthbert, guardians of the infant children of Jeremiah Johnson, deceased, be and they are hereby authorised to sell and convey any lands owned by the said Jeremiah Johnson, in his life time, in the Territory of Florida, to defray the expenses of the maintenance and education of the infant children, and heirs, which said sales shall only be made, after the parties having entered into bond with good and sufficient security, in the sum of one thousand dollars, in the county court of the county within which the said parties reside, conditioned for the faithful application of the funds aforesaid, arising from said sales to the objects above specified.

Leave to sell.

Bond required

Passed, February 7th, 1835.

Approved, February 14th, 1835.



1835.

CHAP. 884. [No. LXII.] An Act to enable the Guardian of the infant children and heirs of John Andreo decd. to convey certain Real Estate therein mentioned.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the guardian of the infant children and heirs of John Andreo decd. be authorised, and empowered, and the said guardian is hereby authorised and empowered, to sell and convey, at private sale, all the right, title, and interest, of the said infant children and heirs as aforesaid, in and to a certain tract of land, lying and situate on the north river in the County of St. John's, in the Territory of Florida, known as the Shell Bank tract : Provided, that upon presenting the facts and circumstances of said sale to the Judge of the county court, for the county of St. John's, the said Judge shall approve of said sale; and provided also, that the said guardian shall give, and execute to the said Judge, bond and security in adequate amount, for the faithful management and application of the funds received from the sale aforesaid.

Passed February 7th, 1835.

Approved February 14th, 1835.

CHAP. 885. [No. LXIII.] An Act for the relief of Elias B. Gould.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Auditor and Treasurer be, and they are hereby authorised to audit and pay to Elias B. Gould, the sum of one hundred and six dollars, the amount of his account against the Territory, for services performed by him for the same, which was rejected by the Auditor for want of due authentication, but which is deemed just and correct.

Passed February 10th, 1835.

Approved February 14th, 1835.

CHAP. 886. [No. LXIV.] An Act to legitimate and change the name of William W. Hicks to that of William W. Brown.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, Wm W. Hicks, of the county of Jackson, shall be known and called by the name of Wm. W. Brown.

Sec. 2. Be it further enacted, That the said William shall be held and considered in law as the child and legal heir of Benjamin J. Brown of said county; and as such shall be entitled to inherit his property, or such part thereof as he would be entitled to, had he been born in lawful wedlock.

Passed February 10th, 1835

Approved February 14th, 1835.

**CHAP. 887. [No. LXV.] An Act for the relief of John C. Cleland.**

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Auditor and Treasurer be, and they are hereby authorised to audit and pay to John C. Cleland, the sum of twenty seven dollars and twenty five cents, the amount of his account against the Territory, for services performed by him as Justice of the Peace, which was rejected by the Auditor for want of due authentication, but which is deemed just and correct.

Passed February 10th, 1835.

Approved February 14th, 1835.

**CHAP. 888. [No. LXVI.] An Act for the relief of Hillory E. Simmons and others.**

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Auditor of this Territory be, and he is hereby directed to audit and allow to Hillory E. Simmons, his account of twenty dollars, as full compensation for his services in assisting to guard the jail in Leon County up to the nineteenth day of April, in the year eighteen hundred and thirty four; also, to audit and allow the account of John D. Coleman, to the amount of fourteen dollars, for similar services, up to the fourteenth day of April of the same year—also, to audit and allow the account of John Reynolds, to the amount of one hundred and thirty seven dollars, for similar services, up to the twentieth day of November of the same year—also, to audit and allow the account of E. K. Freeman, to the amount of one hundred and fifty five dollars, for similar services, up to the twelfth day of December, of the same year.

Sec. 2. Be it further enacted, That the several sums of money mentioned in the 1st Sec. of this Act, be, and they are hereby

1835. directed to be paid out of any money in the Treasury not otherwise appropriated.

Passed, February 14th, 1835.

Approved, February 14th, 1835.

CHAP. 889. [No. LXVII.] An Act to change the name of Mary P. Harker, of St. John's County.

Be it enacted, That the name of Mary P. Harker, of St. John's County, formerly Mary Dexter, be, and it is hereby changed, and declared to be Mary P. Dexter, by which last name, she shall be known and recognised.

Passed February 11th, 1835.

Approved February 14th, 1835.

CHAP. 890. [No. LXVIII.] An Act for the relief of Edward Chandler.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the Treasurer of the said Territory be, and he is hereby authorised and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of two hundred dollars to Edward Chandler, late District Attorney, for the Southern District of Florida, in full for his services in prosecuting criminals on behalf of the Territory in said District, from the May term 1830 of the Superior Court to November term 1834, inclusive.

Passed February 13th, 1835.

Approved February, 14th, 1835.

CHAP. 891. [No. LXIX.] An Act to authorise James Stuart to build a Bridge across the Ocklocknee River.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That James Stuart be, and he is hereby vested with the right and power of building a Bridge, and charged with the duties of keeping the same in repair, across the Ocklocknee river, at or within three hundred yards of the place where the road leading from Tallahassee to Georgia,



crosses the said river, and shall continue in the enjoyment of the same, so long as the said James Stuart, his heirs, or assigns, shall keep the same in good repair, (unavoidable accidents excepted) for the safe crossing of such vehicles, &c., as travel the road, and shall be allowed to receive the prices of toll allowed by law, to be received at the ferries on said river: Provided, nevertheless, that nothing in this act, shall be so construed as to authorise said Sturt to obstruct or prevent any person from a free access in crossing the ford of said river where the road shall lead to, or near said Bridge.

1835.

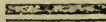
Bridge to be kept in repair.

Sec. 2. Be it further enacted, That no person shall have a right to build a Bridge, or establish a ferry, within two miles of said Bridge, except for the use of his or her plantation. Exclusive right

Sec. 3. Be it further enacted, That all laws militating against this act, be, and the same are hereby repealed.

Passed January 29th, 1835.

Approved January 30th, 1835.



CHAP. 892: [No. LXX.] A Bill to authorise Abraham Millsted to establish a Ferry across the Escambia River.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Abraham Millsted be, and he is hereby authorised to establish and kee a public ferry across the Escambia River, at a place commonly known as Cotton's Ferry, and that he be allowed to charge such rates of toll as may be from time to time established by the county court of Escambia County. Ferry granted

Sec. 2. Be it further enacted, That all the right, privileges, profits, and emoluments, of said ferry be, and are hereby vested in the said Abraham Millsted, his heirs, executors, administrators, or assigns, for the term of four years: Provided the said Abraham Millsted, his heirs, executors, administrators, or assigns, shall always keep a flat of sufficient size and strength to carry over a loaded waggon and team: and shall strictly comply with the rules and regulations that may be established by the county court of Escambia County, or that may be hereafter provided by law. To a Millsted

Sec. 3. Be it further enacted, That it shall be unlawful for any person or persons to keep a ferry within less than five miles above or below, unless the said ferry be toll free and for his her or their individual use. Exclusive right

Passed February 10th, 1835.

Approved February 14th, 1835.

1835.

CHAP. 893. [No. LXXI.] A Bill to authorise Samuel C. Keyser to establish a Ferry across the Escambia river at, or near its junction with the Escambia Bay.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Samuel C. Keyser be, and he is hereby authorised to establish and keep a public ferry across the Escambia river at or near its junction with the Bay of Escambia, and that he be allowed to charge such rates of toll as may be from time to time established by the county court of Escambia county.

Vested rights. Sec. 2. Be it further enacted, That all the rights, privileges, profits and emoluments of said ferry be, and are hereby vested in the said Samuel C. Keyser, his heirs, executors, administrators or assigns, for the term of ten years: Provided the said Samuel C. Keyser, his heirs, executors, administrators or assigns, shall always keep a flat of sufficient size and strength to carry over a loaded wagon and team: and shall strictly comply with the rules and regulations that may be established by the county court of Escambia county, or that may be hereafter provided by law.

Exclusive right Sec. 3. Be it further enacted, That it shall be unlawful for any person or persons to keep a ferry within less than three miles above or below unless the said ferry be toll free and for his, her, or their individual use.

Passed, February 10th, 1835.

Approved, February 14th, 1835.

CHAP. 894. [No. LXXII.] An Act to establish a Ferry across the Chipola river near Marianna.

Ferry may be established. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the county court of Jackson county or the judge of said court and four justices of the peace shall have authority to establish a ferry over the Chipola river, on either of the public roads leading from the town of Marianna eastward across said river.

Privilege of keeping. Sec. 2. Be it further enacted, That said court shall have authority to grant under such restrictions as they may deem proper to any individual for the term of two years, the right of keeping said ferry: Provided all rights accruing under said charter shall be forfeited when a bridge suitable for crossing shall be erected over said river on either of the roads aforesaid.

Passed, February 11th, 1835.

Approved, February 14th, 1835.

CHAP. 895. [No. LXXIII.] A Bill to authorise Charles Hall to establish a ferry across the river Perdido.

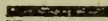
1835.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Charles Hall be, and he is hereby authorized to establish and keep a public ferry across the river Perdido where the road made by the United States from Pensacola to Blakely, Alabama, crosses said river; and that he be allowed to charge such rates of toll as may be from time to time established by the county court of Escambia county.

Sec. 2. Be it further enacted, That all the rights, privileges, and emoluments of said ferry be, and are hereby vested in the said Charles Hall, his heirs, executors, administrators, or assigns, for the term of five years: Provided the said Charles Hall, his heirs, executors, administrators, or assigns, shall always keep a flat of sufficient size and strength to carry over a loaded wagon and team. And shall strictly comply with the rules and regulations that may be established by the County Court of Escambia county, or that may be hereafter provided by law.

Passed February 10th, 1835.

Approved February 14th, 1835.



CHAP. 896. [No. LXXIV.] An Act to establish a Ferry across the St. John's river.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That John M. Bowden be, and he is hereby authorised and vested with the right and charged with the duty of keeping a ferry, for the term of five years across the St. John's river at a place called Mandarin.

Sec. 2. Be it further enacted, That it shall be the duty of the said John M. Bowden, to keep a sufficient number of boats for the accommodation of passengers; and should he fail to do so for the space of three months, all the right vested by this act shall cease and be forfeited.

Sec. 3. Be it further enacted, That if any person shall attempt to keep a ferry, or transport any person or property across the St. John's river, within half a mile of said ferry, and receive therefor any compensation, either directly or indirectly, such person or persons, for every such offence, shall forfeit and pay to the said John M. Bowden, or his assigns the sum of ten dollars, to be recovered in any competent court in the Territory.

Sec. 4. Be it further enacted, That the said John M. Bowden shall be entitled to charge and receive such ferrriage, and sub-



1835. ject to such regulations, as shall be established by the county court of Duval county.

Passed, February 9th, 1735.

Approved, February 14th, 1835.

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CHAP. 897. [No. LXXV.] An Act to authorise John Wamble to establish a Ferry across the Ocilla river.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That John Wamble be, and he is hereby authorised to establish, and keep a public ferry across the Ocilla river, at or near the flat-ford on said river; the rates of toll to be subject to the regulations of the county court, or a court composed of three justices of the peace.

Sec. 2. Be it further enacted, That all rights, privileges, profits and emoluments of said ferry be, and are hereby vested in the aforesaid John Wamble, his heirs, executors, administrators, or assigns, for the term of five years, unless a causeway should sooner be established. Provided, said John Wamble, his heirs, executors, administrators, or, assigns, shall always keep a flat of sufficient size and strength to carry over a loaded wagon and team, and shall strictly comply with the rules and regulations, established by the county court, or that hereafter may be provided for by law.

Sec. 3. Be it further enacted, That it shall be unlawful for any person or persons, to keep a ferry on said Ocilla river, within one mile above or below, unless said ferry be toll free, and for his or their individual use.

Passed, February 7th, 1835.

Approved, February 14th, 1835.

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CHAP. 898. [No. LXXVI.] An Act to authorise Abraham Smith to establish a Ferry across Bell's river and St. Mary's river.

Be it enacted by the Governor and Legislative Council of the Territory of Florida. That from and after the passage of this act, Abraham Smith shall have the right to establish a ferry across Bell's river, Nassau county, and St. Mary's river in said county at a place now known as Smith's ferry in said county; and that no person shall have the right to establish any ferry within half a mile of said ferry, for the term of five years, and

that the rates of ferriage at said ferry shall be established from time to time by the county court in said county.

Passed, February 9th, 1835.

Approved, February 14th, 1835.

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CHAP. 899. [No. LXXVII.] An Act to establish a ferry across the Suwannee river.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Lewis Norton be, and he is hereby vested with the right and power of establishing a ferry, and charged with the duty of keeping the same in repair across the Suwannee river, about one mile above Hamlin's store in Madison county, and the said Lewis Norton shall continue in the enjoyment of said ferry for, and during the term of five years: Provided the said Norton shall so long keep the said ferry in good repair.

Sec. 2. Be it further enacted, That it shall be unlawful for any other person or persons, to establish or keep a ferry within a half mile on either side of said ferry, except it be for his, her, or their own use, and not for the purpose of gathering or receiving toll.

Sec. 3. Be it further enacted, That it shall be the duty of said Lewis Norton, his heirs and assigns, to keep at all times, a good and sufficient flat or craft of sufficient size, to cross a wagon and team, and that he shall be entitled to receive such toll, as may be fixed by the county court of Madison county, and be subject to the order of said court, or any future Legislative Council of this Territory.

Passed, January 23d. 1835.

Approved, January 29th, 1835.

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CHAP. 900. [No. LXXVIII.] An Act to establish a Ferry on Julington creek, of St. John's county.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Reuben Loring and John Gerathy are hereby authorised to establish and keep a ferry across Julington creek, from a place called New Hingham, on the south of said creek to Sloan's landing on the north.

1835.

Sec. 2. Be it further enacted, That it shall be unlawful for any other person to establish or keep a ferry within half a mile of this ferry, by this act provided for, for the space of five years; and it shall be the duty of the said Loring and Gerathy, at all times, to keep sufficient boats and flats to cross passengers, wagons or carts over said creek; and they shall be entitled to receive at said ferry, toll at such rates, and shall be subject to such regulations as may be established by the county court of St. John's, and the Legislative Council.

Passed, February 14th, 1835.

Approved, February 14th, 1835.

CHAP. 901. [No. LXXIX.] An Act to divorce John Gamble from his wife Sarah Gamble.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the marriage contract heretofore subsisting between John Gamble and Sarah Gamble be, and the same is hereby dissolved, and that the said John Gamble be hereby released from all duty to, or connexion with, the said Sarah Gamble, by reason of their said marriage, heretofore subsisting as fully and completely as if the same had never existed.

Passed, February 9th, 1835.

Approved, February 14th, 1835.

CHAP. 902. [No. LXXX.] An Act to divorce Martha Redman from her husband Elisha Redman.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the marriage contract heretofore subsisting between Martha Redman and Elisha Redman be, and the same is hereby dissolved, and that the said Martha Redman be hereby released from all duty to, or connexion with, the said Elisha Redman, by reason of their said marriage, heretofore subsisting as fully and completely as if the same had never existed.

Passed, February 7th, 1835.

Approved, February 14th, 1835.



CHAP. 903. [No. LXXXI.] An Act to Divorce Lydia H. Starr, and Robert Starr.

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Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Lydia H. Starr and Robert Starr, be and the same are hereby declared to be divorced, and the ties and obligations of marriage heretofore existing between the said parties be, and the same are hereby dissolved and annulled; and that the said Lydia H. Starr and Robert Starr, from the date of the passage of this Act, shall be sole and unmarried, and free to contract marriage, and all other contracts, in the same manner as if they never had been married: Provided, however, that the divorce granted by this act, shall not bastardise the legitimate issue of the parties herereby divorce.]

Passed February 7th, 1835.

Approved February 14th, 1835.

CHAP. 904. LXXXII. An Act to Divorce Hester Burke and Tho. Burke.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Hester Burke, formerly Hester Livingston, and Thomas Burke, be. and they are hereby forever Divorced, and the ties and obligations of matrimony heretofore subsisting between the said Hester and Thomas, are hereby dissolved and made void. And the said Hester Burke and Thomas Burke, shall from the passage of this Act, be considered as sole and unmarried. and shall be free and of full power to contract marriage, or to enter into any other contract or to do any other thing whatsoever, in as full and ample a manner as though no marriage had ever subsisted between them.

Sec. 2. Be it further enacted, That the name of said Hester Burke shall, from this time, be Hester B. Livingston.

Passed January 10th. 1835.

Approved January 13th, 1835.

CHAP. 905. [No. LXXXIII.] An Act to Divorce James Johnson and Dorotha Johnson.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That James Johnson and Dorotha Johnson, be, and they are hereby declared to be Divorced, and the ties and obligations of marriage heretofore existing

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between said parties be, and the same are hereby dissolved and annulled, and that the said James Johnson and Dorothea Johnson from the passage of this act, shall be considered sole and unmarried, and free to contract matrimony hereafter: Provided, however, that the divorce granted by this act shall not bastardise the legitimate issue of the parties hereby divorced.

Passed January 20th, 1835.

Approved January 24th, 1835.

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CHAP. 906. [No. LXXXIV.] An Act to Divorce Alexander Patterson and Eliza Patterson.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Alexander Patterson and Eliza Patterson be, and they are hereby declared to be Divorced, and the ties and obligations of marriage heretofore existing between the said parties, be, and the same are hereby dissolved and annulled, and that the said Alexander Patterson and Eliza Patterson, from the date of the passage of this act, shall be considered sole and unmarried, and free to contract matrimony hereafter: Provided, however, that the divorce granted by this act, shall not bastardise the legitimate issue of the parties hereby divorced.

Passed January 20th, 1835.

Approved January 23d, 1835.

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CHAP. 907. [No. LXXXV.] An Act for the relief of John Roberts.

Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the marriage contract heretofore subsisting between John Roberts, a citizen of this Territory, and Betsey, his wife, who in the year 1833, left this country, and eloped with one William Witherington to the State of South Carolina, be, and the same are hereby dissolved, and the said John Roberts is hereby absolved from all and any obligations heretofore subsisting in virtue of said marriage contract, as fully and completely as if the same had never existed.

Passed January 20th, 1835.

Approved January 23d, 1835.

CHAP. 908. [No. LXXXVI.] An Act to Divorce Elizabeth Uptegrove and Green Uptegrove.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the marriage contract heretofore existing between Elizabeth Uptegrove and Green Uptegrove, be, and the same is hereby dissolved and made void, and that after the passage of this act, the parties hereby divorced shall be sole and unmarried, and shall be free to contract matrimony and to make all other contracts whatsoever: Provided, however, that the divorce hereby made shall not bastardise the legitimate issue of the parties.

Sec. 2. Be it further enacted, That from and after the passage of this act the said Elizabeth shall assume and take her former name of Elizabeth Parcatus.

Passed January 24th, 1835.

Approved January 29th, 1835.

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CHAP. 909. [No. LXXXVII.] An Act to Divorce Mary Ann Child and Hale Child.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Mary Ann Child and Hale Child, be, and they are hereby divorced, and the ties and obligations of marriage heretofore existing between the said parties be, and the same are hereby dissolved and annulled, and that the said Mary Ann Child and Hale Child, from the date of the passage of this act, shall be considered sole and unmarried, and free to contract matrimony hereafter: Provided, that the divorce granted by this act, shall not bastardise the legitimate issue of the parties hereby divorced.

Passed January 20th, 1835.

Approved January 23d, 1835.

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CHAP. 910. [No. LXXXVIII.] An Act to Divorce Indiana Cordelia T. Richards and Wolcott Richards.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Indiana Cordelia T. Richards and Wolcott Richards, be, and they are hereby declared to be divorced, and the ties and obligations of marriage heretofore existing between the said parties, be, and the same are



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hereby dissolved and annulled, and that the said Indiana Cordelia T. Richards and Wolcott Richards, from the date of the passage of this act, shall be sole and unmarried, and free to contract marriage and all other contracts in the same manner as if they never had been married: Provided, however, that the divorce granted by this act, shall not bastardise the legitimate issue of the parties hereby divorced.

Passed January 14th, 1835.

Approved January 14th, 1835.

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CHAP. 911. [No. LXXXIX.] An Act to Divorce Josephine Granpera Gagnet from her husband Lewis Gagnet.

Sec. 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That Josephine Granpera Gagnet, be, and she is hereby divorced from her husband Lewis Gagnet, and the bonds of matrimony subsisting between them are hereby declared to be as entirely and absolutely dissolved as if the same had never been solemnised.

Passed February 7th, 1835.

Approved February 14th, 1835.

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## RESOLUTIONS.

(RESOLUTION I.)

Resolved, That the Governor of this Territory be, and he is hereby authorised to appropriate from the Tallahassee fund any money he may deem necessary for the defraying the expenses of locating the permanent seat of Government of this Territory on the Suwannee river, and for any other expenses incidental or appertaining to fully carrying into effect the aforesaid object.

Resolved, That the Governor be, and he is hereby requested to make a report to the next Legislative Council, how, and in what manner the money arising from the sale of the liberal donation of land made by Congress, to this Territory has been expended.

Passed, February 14th, 1835.

Approved February 14th, 1835.

## (RESOLUTION 2.)

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Whereas the depth of water on the bar of the bay of Apalachicola is insufficient for the entrance of vessels of the larger class: And whereas, the great and increasing commerce dependent upon the Apalachicola river and its tributaries, requires an outlet suited to the extent of that commerce, which might easily be obtained by a canal connecting the waters of Lake Wimico with the Bay of St. Joseph's: And whereas, the said canal would form a part of that continuous route of inland navigation, which must ultimately connect our Territory with the city of New Orleans, affording a safe and easy transportation to the products of our soil:

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be urged to procure from that body a grant in *fee simple* to the company incorporated for the cutting said canal, of ninety feet of the public land on each side of its contemplated route; likewise a section of land at the point of its commencement on Lake Wimico, and another at its junction with the Bay of St. Joseph's.

Resolved, That this resolution be signed by the President and Chief Clerk of this House, and forthwith forward to the Delegate from this Territory.

Passed, February 11th, 1835.

Approved, February 14th, 1835.

## (RESOLUTION 3.)

Whereas, the increasing labors of the Judges of the Eastern and Middle Districts of Florida, render it impossible that said Judges can attend to the various Counties of said Districts, to hold the Courts therein, and to dispense equal justice amongst the good citizens of this Territory; and whereas, several of the Counties of said Districts are now deprived of a Superior Court from the utter inability of said Judges to perform the travel and labor which would be imposed upon them by the establishment of a Superior Court in each of said Counties, it is therefore,

Resolved, That our Delegate in Congress be, and he is hereby, requested to endeavor to obtain, by all means in his power, the establishment, in this Territory, of a new Judicial District, to be called the Judicial District of Suwannee, and to be composed of the Counties of Madison, Hamilton, Columbia, Alachua and Hillsborough.

Be it further Resolved, That this resolution be signed by the President of the Legislative Council, and handed to the

1835.

Governor of this Territory for his approval, and forthwith forwarded to our Delegate in Congress.

Be it further resolved, That the Governor of this Territory be, and he is hereby respectfully requested to use his influence to effect the object of these resolutions.

Passed February 12th, 1835.

Approved February 14th, 1835.

(RESOLUTION 4.)

Whereas, it is important in all new and growing countries, and and especially under a Republican Government, which is based upon the general intelligence and virtue of the community to provide for the education of the rising generation; and whereas, Florida is almost entirely destitute of the necessary means for that purpose, on account of the sterility of a considerable portion of the sixteenth sections, which have been reserved for the purpose of schools, and of a large portion of the country having been granted out to private individuals by the British and Spanish Governments before its transfer to the United States, without any reservation of school lands; and whereas also, owing to the great extent and conformation of our Sea Coast, there are, and necessarily must be, a great many fractional Townships in this Territory, containing less than sixteen Sections each, which have no school lands,

Resolved, therefore, by the Governor and Legislative Council of the Territory of Florida. That our Delegate in Congress be requested to use his exertions to procure the passage of a law authorising the selection in such manner as the Governor and Legislative Council shall direct other lands in place of such sixteenth sections as shall prove to be of little or no value, on account of the sterility of their soil, or any other cause; and also the selection and location of a quantity of lands equal to one thirty sixth of all the lands which may have been granted out as aforesaid by the said British and Spanish Governments, and of the said fractional Townships, and authorising the sale of said lands, and all other lands appropriated for the support of schools therein, in such manner, and upon such terms, as the Governor and Legislative Council shall direct; the proceeds thereof to be invested in some profitable stock, and the interest to be set apart as a fund for the support of common schools in this Territory, to be annually apportioned amongst the several counties therein, according to the rates of white population in said counties respectively.

Resolved further, that a certified copy of the foregoing Preamble and Resolutions be signed by the President and Chief



Clerk of this House, and be transmitted forthwith to the Hon. Joseph M. White.

1835.

Passed January 27th, 1835.

Approved January 29th, 1835.

(RESOLUTION 5.)

*To the Senate and House of Representatives of the United States:*

The Governor and Legislative Council of the Territory of Florida, beg leave respectfully, to represent to Congress, That a company entitled the East Florida Rail Road Company has been chartered by them at its present session, having for its object the establishment of an expeditious and efficient communication between the Atlantic Ocean, and the Gulf of Mexico: that from the evidence communicated to them, they fully believe that this company is prepared to commence and complete the work with all convenient despatch: Provided, that congress will, at its present session, make the grant of lands which they now solicit.

It is therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in congress be requested to obtain from the congress of the United States the relinquishment on the part of the United States to the East Florida Rail Road Company, of one section of land at each end of the route of their rail road, and also the relinquishment on the part of the congress of the United States, of three hundred feet in width of the land throughout the line which may be selected for the said rail road to the said company: Provided, that when the route of said rail road shall be surveyed and determined, the same shall prove to be public lands, or wherever the route of the said road shall pass through the public lands, also the right and privilege to obtain and use any timber stone or other materials which may be suitable for their purposes on the public lands.

It is further resolved, That the Delegate in congress, be requested to obtain from congress such other donations of public land as they may in consideration of promoting and aiding an object of so much utility, and which promises great national benefit, be pleased to grant to this company.

It is further resolved, That the foregoing resolutions, when signed by the Governor and the President of the Legislative Council, shall be certified by the Chief Clerk and forwarded to the Delegate in congress.

Passed, February 10th, 1835

Approved, February 14th, 1835.

1835.

(RESOLUTION 6.)

Whereas, the pay and mileage of the members of the Legislative Council is insufficient to defray their necessary expences,

Be it therefore resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his exertions to have the same increased to five dollars per day, and five dollars for every twenty miles travelled.

Resolved unanimously, That a copy of the foregoing resolution be forwarded forthwith to the Hon. Joseph M. White.

Passed February 14th, 1835.

Approved February 14th, 1835.

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